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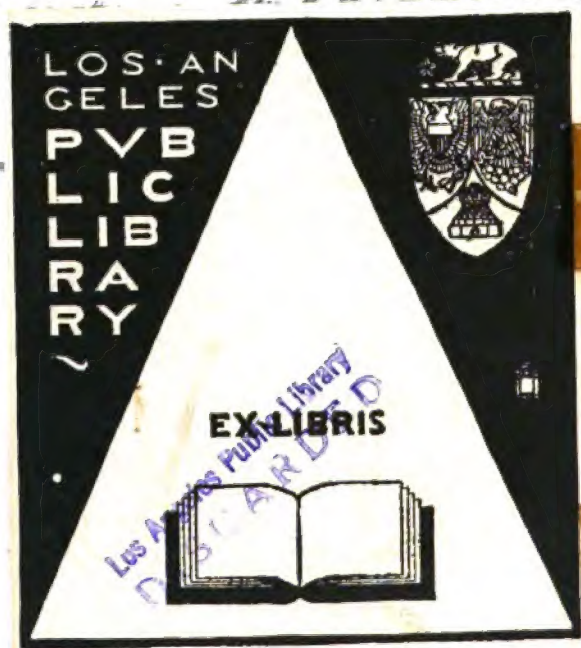
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Author and Title

Delaware. Laws, statutes, etc.
Laws of the state of Delaware.

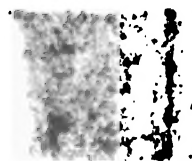
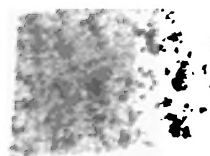
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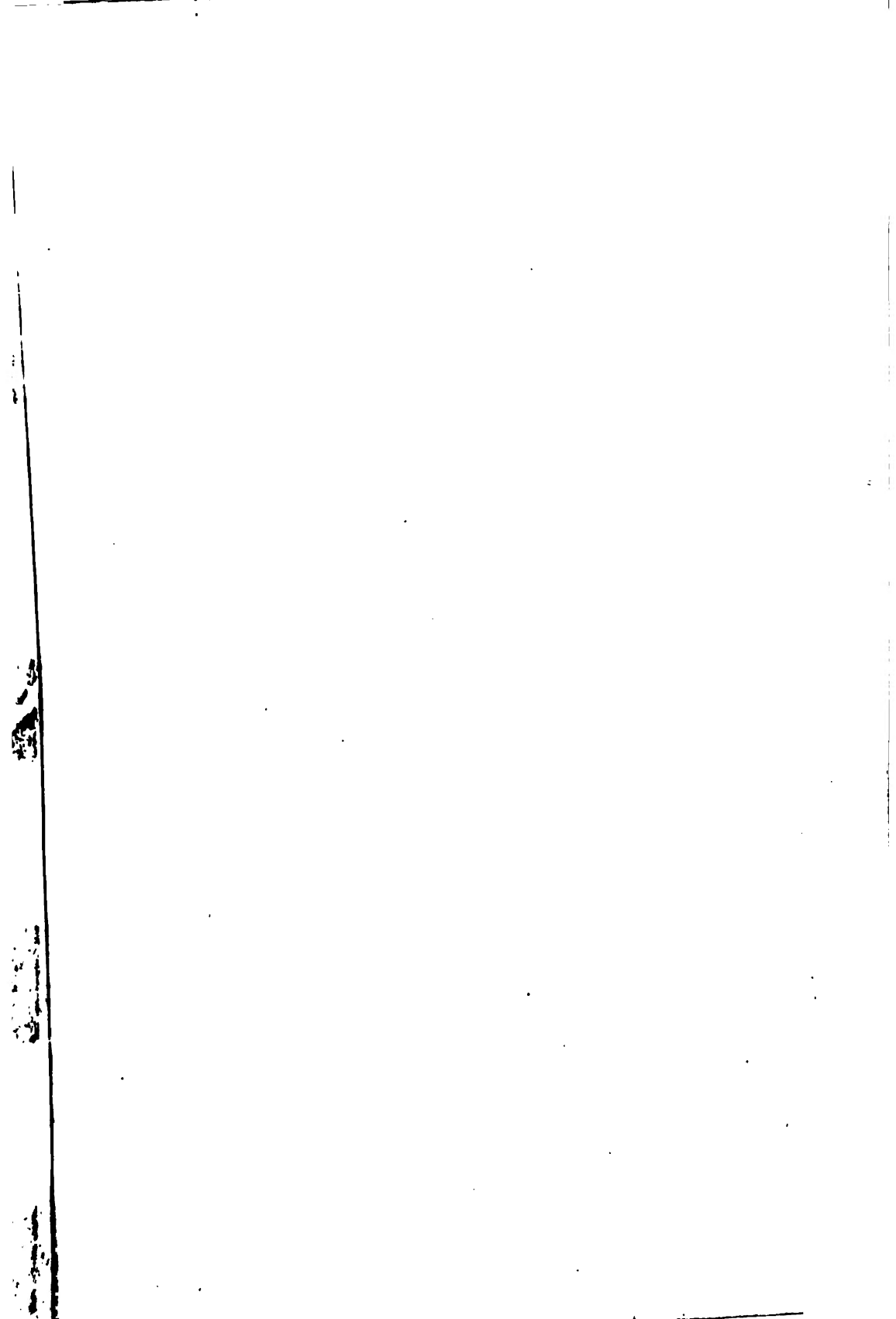
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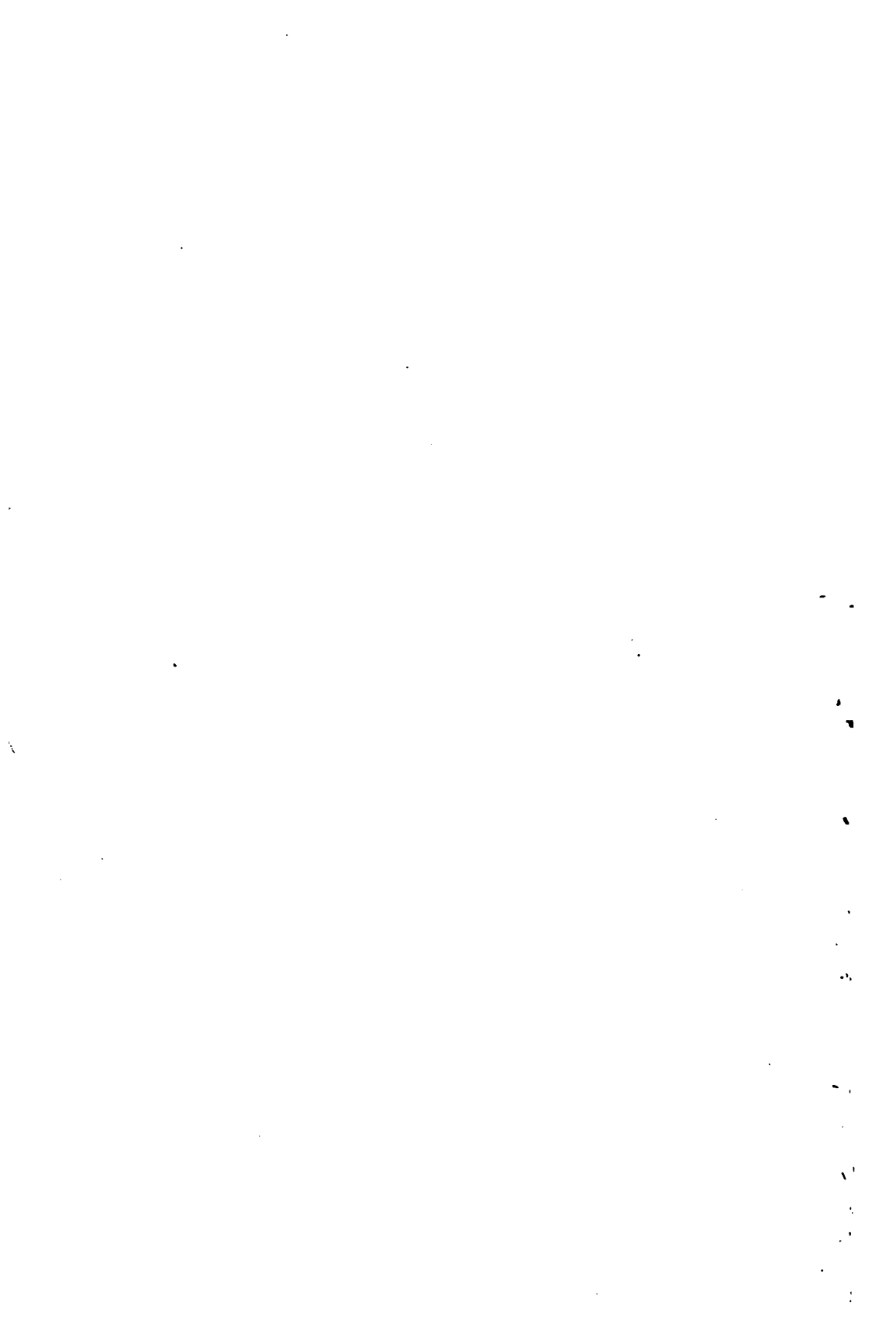
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LAWS

OF THE

STATE OF DELAWARE,

PASSED AT A
SPECIAL SESSION OF THE GENERAL ASSEMBLY

COMMENCED AND HELD AT DOVER,

ON THURSDAY, DECEMBER 29TH, A. D. 1904

AND

Los Angeles Public Library
DISCARDED

IN THE YEAR OF THE INDEPENDENCE OF THE UNITED
STATES THE ONE HUNDRED AND
TWENTY-NINTH.

R345.12 D345 1904/1905
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PUBLISHED BY AUTHORITY.

VOLUME XXIII—PART I.

1905:
THE DELAWAREAN PRINT,
DOVER, DEL.



LAWS OF DELAWARE.

TITLE SECOND.

Of the Public Revenue; and the Assessment, Collection and
Appropriation of Taxes.

CHAPTER I.

OF THE REVENUES OF THE STATE.

**AN ACT in Relation to the compensation of Officers of the two Houses of
the General Assembly for the Special Session, convened, December 29th,
A. D. 1904.**

*Be it enacted by the Senate and House of Representatives
of the State of Delaware in General Assembly met:*

Section 1. That the Clerk of the Senate shall receive the Clerk of Senate
sum of Fifteen dollars.

The Reading Clerk of the Senate shall receive the sum of Reading Clerk
of Senate.
Five Dollars.

The Sergeant-at-Arms of the Senate shall receive the sum Sergeant-at-
Arms of Senate
of Five dollars.

The Chaplain of the Senate shall receive the sum of Five Chaplain
of Senate.
dollars.

The Page of the Senate shall receive the sum of Three dol- Page of Senate
lars.

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JUN 15 1908

OF THE REVENUES OF THE STATE.

Enrolling Clerk of Senate The Enrolling Clerk of the Senate shall receive the sum of Five dollars.

Clerk of House The Clerk of the House of Representatives shall receive the sum of Fifteen dollars.

Reading Clerk of House. The Reading Clerk of the House of Representatives shall receive the sum of Five dollars.

Sergeant-at-Arms of House. The Sergeant-at-Arms of the House of Representatives shall receive the sum of Five dollars.

Chaplain of House. The Chaplain of the House of Representatives shall receive the sum of Five dollars.

Page of House. The Page of the House of Representatives shall receive the sum of Three dollars.

Enrolling Clerk of House The Enrolling Clerk of the House of Representatives shall receive the sum of Five dollars.

Approved, January 3, A. D. 1905.

TITLE SIXTEENTH.

Of Civil Actions in General.

CHAPTER 2.

OF JUDGMENTS.

AN ACT to extend the time at which the provisions of the Act entitled "An Act limiting Judgment Liens upon Real Estate in Kent and Sussex Counties, and for other purposes," being Chapter 457 of Volume 22, Laws of Delaware, as to the loss of Judgment Liens shall take effect.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That no judgment lien on real estate in Kent and Sussex Counties shall be lost by the force or operation of the act entitled "An Act limiting judgment liens upon real estate in Kent and Sussex Counties, and for other purposes," being Chapter 457 of Volume 22, of the Laws of Delaware, until the first day of January, A. D. 1906, and the force and effect of said Act is hereby suspended until the said first day of January, A. D. 1906, for the purpose of extending the time for the renewal and continuance of judgments as provided by said Act until the said first day of January, A. D. 1906.

Chapter 457,
Volume 22,
amended.

Extending
time for the
renewal of
judgments
thereunder to
Jan. 1, 1906.

Approved, December 30, A. D. 1904.

RESOLUTIONS.

CHAPTER 3.

**Joint Resolution fixing the date for the Adjournment sine die of the
Special Session of the General Assembly.**

*Be it resolved by the Senate and House of Representatives
of the State of Delaware in General Assembly met:*

Adjournment
sine die.

That both Houses of the Legislature adjourn sine die, on
Friday, the thirtieth day of December, A. D. 1904, at six
o'clock, P. M.

Approved, December 30, A. D. 1904.

LAWS
OF THE
STATE OF DELÁWARE,

PASSED AT A
SESSION OF THE GENERAL ASSEMBLY

COMMENCED AND HELD AT DOVER,

ON TUESDAY, JANUARY 3RD, A. D. 1905

AND

IN THE YEAR OF THE INDEPENDENCE OF THE UNITED
STATES THE ONE HUNDRED AND
TWENTY-NINTH.

PUBLISHED BY AUTHORITY.

VOLUME XXIII—PART II.

1905:
THE DELAWAREAN PRINT,
DOVER, DEL.

LAWS OF DELAWARE.

TITLE FIRST.

Of the Jurisdiction and Property of the State ; its Legislation and Laws.

CHAPTER 4.

AMENDMENT TO CONSTITUTION.

AN ACT proposing an Amendment to Section 4 of Article V, of the Constitution of this State by striking out of said Section all thereof which requires the payment of money as a Qualification to Register.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of all the members elected to each House agreeing therein:)

Section 1. That Section 4 of Article V of the Constitution of this State, be and the same is hereby amended by striking out of said Section 4 the following words: "and each voter shall, at the time of his registration, pay a registration fee of one dollar, for the use of the County where such registration is paid."

Proposed Amendment to Section 4, Article 5, of the Constitution relating to registration fee.

Approved, March 30, A. D. 1905.

OF SOVEREIGNTY, JURISDICTION AND LIMITS.

CHAPTER 5.

OF SOVEREIGNTY, JURISDICTION AND LIMITS.

AN ACT to Ratify and Confirm a Compact or Agreement between the States of New Jersey and Delaware respecting the Delaware River and Bay and to authorize the execution thereof.

Preamble.

Whereas By joint resolution of the Legislature of the State of New Jersey, approved February 14th 1905, Edward C. Stokes, Governor, Robert H. McCarter, Attorney General, Franklin Murphy and Chauncey G. Parker, were appointed and constituted Commissioners of the State of New Jersey to confer with like Commissioners representing the State of Delaware for the purpose of framing a compact or agreement between the said States and legislation thereon, to be submitted to the legislatures of the said two States for action thereon, looking to the amicable termination of the suit between said two States now pending in the Supreme Court of the United States, and the final adjustment of all controversies relating to the boundary line between said States and to their respective rights in the Delaware River and Bay;

Preamble.

And Whereas By like joint resolution of the General Assembly of the State of Delaware approved February 13th 1905, Preston Lea, Governor, Robert H. Richards, Attorney General, Herbert H. Ward and George H. Bates were appointed to represent the said State as Commissioners to confer with the Commissioners of the State of New Jersey, for the purpose before recited;

Preamble.

And Whereas The Commissioners of the said two States having duly conferred as directed by said resolutions, have framed and submitted to this General Assembly a proposed compact or agreement between the said States;

Preamble.

And Whereas The compact or agreement so framed and submitted is in the words following, that is to say:

“Compact between the State of New Jersey and the State of Delaware relating to the boundary controversy between said States.

OF SOVEREIGNTY, JURISDICTION AND LIMITS.

Whereas A controversy hath heretofore existed between the States of New Jersey and Delaware, relative to the jurisdiction of such portion of the Delaware River as is included within the circle of twelve mile radius an arc of which constitutes the Northern boundary of the State of Delaware, and it is the mutual desire of said States to so settle and determine such controversy as to prevent future complications arising therefrom;

Preamble of compact.

And Whereas There is now pending in the Supreme Court of the United States, a cause wherein the said State of New Jersey is the complainant and the said State of Delaware is the defendant, in which cause an injunction has been issued against the State of Delaware restraining the execution of certain statutes of the State of Delaware relating to fisheries in said river, which said litigation hath been pending for twenty-seven years and upwards;

Preamble of compact.

And Whereas For the purpose of adjusting the differences between the said two States arising out of said conflict of jurisdiction, Edward C. Stokes, Robert H. McCarter, Franklin Murphy, and Chauncey G. Parker, have been appointed Commissioners on the part of the State of New Jersey by joint resolution of the Legislature of said State, and Preston Lea, Robert H. Richards, Herbert H. Ward and George H. Bates have been appointed Commissioners on the part of the State of Delaware by joint resolution of the General Assembly of said State, to frame a compact or agreement between the said States and legislation consequent thereon, to be submitted to the Legislatures of said two States for action thereon, looking to the amicable termination of said suit between said States now pending in the Supreme Court of the United States, and the final adjustment of all controversies relating to the boundary line between said States, and to their respective rights in the Delaware River and Bay;

Preamble of compact.

Now Therefore, The said State of New Jersey, by its Commissioners above named, and the said State of Delaware, by its Commissioners above named, do hereby make and enter into a compact or agreement between said States as follows:

Article 1 of compact.

Article I. Criminal process issued under the authority of the State of New Jersey against any person accused of an

OF SOVEREIGNTY, JURISDICTION AND LIMITS.

offence committed upon the soil of said State, or upon the Eastern half of said Delaware River, or committed on board of any vessel being under the exclusive jurisdiction of that State, and also civil process issued under the authority of the State of New Jersey against any person domiciled in that State, or against property taken out of that State to evade the laws thereof, may be served upon any portion of the Delaware River between said States from low-water mark on the New Jersey shore to low-water mark on the Delaware shore, except upon Reedy and Pea Patch Islands, unless said person or property shall be on board a vessel aground upon or fastened to the shore of the State of Delaware, or the shores of said islands, or fastened to a wharf adjoining thereto, or unless such person shall be under arrest or such property shall be under seizure by virtue of process or authority of the State of Delaware.

Article 2 of
compact.

Article II. Criminal process issued under the authority of the State of Delaware against any person accused of an offence committed upon the soil of said State, or upon the western half of said Delaware River, or committed on board of any vessel being under the exclusive jurisdiction of that State, and also civil process issued under the authority of the State of Delaware against any person domiciled in that State, or against property taken out of that State to evade the laws thereof, may be served upon any portion of the Delaware River between said States from low-water mark on the Delaware shore to low-water mark on the New Jersey shore, unless said person or property shall be on board a vessel aground upon or fastened to the shore of the State of New Jersey, or fastened to a wharf adjoining thereto, or unless such person shall be under arrest, or such property shall be under seizure by virtue of process or authority of the State of New Jersey.

Article 3 of
compact.

Article III. The inhabitants of the said States of Delaware and New Jersey shall have and enjoy a common right of fishery throughout, in and over the waters of said river between low-water marks on each side of said river between the said States, except so far as either State may have heretofore granted valid and subsisting private rights of fishery.

OF SOVEREIGNTY, JURISDICTION AND LIMITS.

Article IV. Immediately upon the execution hereof the Legislature of the State of New Jersey shall appoint three Commissioners to confer with three Commissioners to be immediately appointed by the General Assembly of the State of Delaware for the purpose of drafting uniform laws to regulate the catching and taking of fish in the Delaware River and Bay between said two States, which said Commissioners for each State respectively shall, within two years from the date of their appointment, report to the Legislature of each of said States the proposed laws so framed and recommended by said joint Commission. Upon the adoption and passage of said laws so recommended by the respective Legislatures of said two States said laws shall constitute the sole laws for the regulation of the taking and catching of fish in the said river and bay between said States. Said laws shall remain in force until altered, amended or repealed by concurrent legislation of the said two States. Said Commissioners shall also ascertain the dividing line between said river and bay, and upon each of the shores of said two States, where said dividing line extended shall intersect the same, shall, at the joint expense of said States, erect a suitable monument to mark the said dividing line. Said dividing line between said monuments shall be the division line between the said river and bay for the interpretation of and for all purposes of this compact, and of the concurrent legislation provided for therein.

Article 4 of compact.

The faith of the said contracting States is hereby pledged to the enactment of said laws so recommended by said Commissioners, or to such concurrent legislation as may seem judicious and proper in the premises to the respective Legislatures thereof.

Each State shall have and exercise exclusive jurisdiction within said river to arrest, try and punish its own inhabitants for violation of the concurrent legislation relating to fishery herein provided for.

Article V. All laws of said States relating to the regulation of fisheries in the Delaware River not inconsistent with the right of common fishery hereinabove mentioned, shall continue in force in said respective States until the enactment of said concurrent legislations as herein provided.

Article 5 of compact.

OF SOVEREIGNTY, JURISDICTION AND LIMITS.

Article 6 of
compact.

Article VI. Nothing herein contained shall affect the planting, catching or taking of oysters, clams or other shell fish, or interfere with the oyster industry as now or hereafter carried on under the laws of either State.

Article 7 of
compact.

Article VII. Each State may, on its own side of the river, continue to exercise riparian jurisdiction of every kind and nature, and to make grants, leases and conveyances of riparian lands and rights under the laws of the respective States.

Article 8 of
compact.

Article VIII. Nothing herein contained shall affect the territorial limits, rights or jurisdiction of either State of, in or over the Delaware River, or the ownership of the subaqueous soil thereof, except as herein expressly set forth.

Article 9 of
compact.

Article IX. This agreement shall be executed by the said Commissioners, when authorized to do so by the Legislatures of the said States. It shall thereupon be submitted to Congress for its consent and approval. Upon the ratification thereof by Congress it shall be and become binding in perpetuity upon both of said States; and thereupon the suit now pending in the Supreme Court of the United States, in which the State of New Jersey is complainant and the State of Delaware is defendant, shall be discontinued, without costs to either party, and without prejudice. Pending the ratification hereof by Congress said suit shall remain in statu quo.

Done in two parts (one of which is retained by the Commissioners of Delaware, to be delivered to the Governor of that State, and the other one of which is retained by the Commissioners of New Jersey, to be delivered to the Governor of that State) this day of
in the Year of Our Lord, One Thousand Nine Hundred and Five."

Therefore, be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Compact
ratified and
confirmed.

Section 1. The foregoing compact or agreement, and every clause, matter and thing therein contained, be, and the same is, hereby adopted, ratified and confirmed as and for the act and deed of the State of Delaware, and the Commissioners of the said State are hereby authorized and empowered, on

OF SOVEREIGNTY, JURISDICTION AND LIMITS.

its behalf, to execute the same in duplicate, and to deliver one copy thereof to the Commissioners of the State of New Jersey.

Commissioners of State authorized to execute compact in duplicate.

Section 2. It shall be the duty of the Governor, at or before the next session of Congress of the United States, to transmit a duly certified copy of this Act to the President of the United States, with the request that it be communicated to Congress for its action thereon.

Governor to transmit certified copy of act to President of United States to be communicated to Congress.

Approved March 20, A. D. 1905.

CHAPTER 6.

OF SOVEREIGNTY, JURISDICTION AND LIMITS.

AN ACT appointing Three Commissioners on the part of the State of Delaware, to confer with Three Commissioners to be appointed on the part of the State of New Jersey, in accordance with the provisions of the Compact between the States of New Jersey and Delaware respecting the Delaware River and Bay, defining their duties and powers and appropriating money to pay the necessary expenses thereof.

Whereas The Senate and House of Representatives of the State of Delaware in General Assembly met have passed an act entitled "An Act to Ratify and Confirm a Compact or Agreement between the States of New Jersey and Delaware respecting the Delaware River and Bay, and to authorize the execution thereof," which act hath received the approval of the Governor of the State of Delaware; and the Legislature of the State of New Jersey hath passed an act of the same title and of the same purport, which act hath received the approval of the Governor of the State of New Jersey;

Preamble.

And Whereas The said Compact or Agreement between said two states hath been duly signed and executed in duplicate originals by Edward C. Stokes, Robert H. McCarter,

Preamble.

OF SOVEREIGNTY, JURISDICTION AND LIMITS.

Franklin Murphey and Chauncey G. Parker, Commissioners on the part of the State of New Jersey, and by Preston Lea, Robert H. Richards, Herbert H. Ward and George H. Bates, Commissioners on the part of the State of Delaware, one of which duplicate originals hath been retained by said Commissioners of Delaware to be delivered to the Governor of that State and the other of which duplicate originals hath been retained by the Commissioners of New Jersey to be delivered to the Governor of that State;

Preamble.

And Whereas It is provided and agreed by said compact or agreement between said States, among other things, as follows:

“Article IV. Immediately upon the execution hereof the Legislature of the State of New Jersey shall appoint three Commissioners to confer with three Commissioners to be immediately appointed by the General Assembly of the State of Delaware for the purpose of drafting uniform laws to regulate the catching and taking of fish in the Delaware River and Bay between said two States, which said Commissioners for each State respectively shall, within two years from the date of their appointment, report to the Legislature of each of said States the proposed laws so framed and recommended by said joint commission. Upon the adoption and passage of said laws so recommended by the respective Legislatures of said two States said laws shall constitute the sole laws for the regulation of the taking and catching of fish in the said river and bay between said States. Said laws shall remain in force until altered, amended or repealed by concurrent legislation of the said two States. Said Commissioners shall also ascertain the dividing line between said river and bay, and upon each of the shores of said two States, where said dividing line extended shall intersect the same, shall, at the joint expense of said States, erect a suitable monument to mark the said dividing line. Said dividing line between said monuments shall be the division line between the said river and bay for the interpretation of and for all purposes of this compact, and of the concurrent legislation provided for therein.

The faith of said contracting States is hereby pledged to the enactment of said laws so recommended by said commission-

OF SOVEREIGNTY, JURISDICTION AND LIMITS.

ers, or to such concurrent legislation as may seem judicious and proper in the premises to the respective Legislatures thereof.

Each State shall have and exercise exclusive jurisdiction within said river to arrest, try and punish its own inhabitants for violation of the concurrent legislation relating to fishery herein provided for."

"Article V. All laws of said States relating to the regulation of fisheries in the Delaware River not inconsistent with the right of common fishery hereinabove mentioned, shall continue in force in said respective States until the enactment of said concurrent legislation as herein provided."

Now Therefore, In pursuance of the terms of said Compact,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That Alexander B. Cooper, William S. Hillis and Walter H. Hayes be and they are hereby appointed Commissioners on the part of the State of Delaware, to confer with like Commissioners appointed or to be appointed by the Legislature of the State of New Jersey, to do and perform all the duties, acts, matters and things required and stipulated in the said Compact or Agreement hereinabove mentioned, to be by them done and performed. That in and upon said Commissioners are hereby vested and conferred all powers and authorities necessary and convenient for the full and complete performance of all the duties, acts, matters and things by this Act imposed upon them. Said Delaware Commissioners shall fill any vacancies occurring in the membership of said Delaware Commission by the selection of some other suitable citizen or citizens of the State of Delaware.

Commissioners
on part of
Delaware.

Duties and
powers of
Commissioners

Vacancies,
how filled.

Section 2. Said Commissioners shall, on or before the first day of June, A. D. 1905, organize by the election from their number of a president and a secretary. The president so elected shall be the presiding officer at all separate meetings of said Commissioners, and the general executive head of said commission. The Secretary so elected shall conduct the correspondence of said commission under its direction and keep a record of all the meetings, acts and proceedings

Organization of
Commissioners

President, his
duties.

Secretary, his
duties.

OF SOVEREIGNTY, JURISDICTION AND LIMITS.

of said Delaware Commissioners and of all meetings, acts and proceedings of the joint commissioners in the performance of the duties, acts, matters and things stipulated for in the said compact.

Commissioners
may summon
witness, and
enforce produc-
tion of books,
etc.

Said Delaware Commissioners shall have power to cause the production of books, papers and other things, and to summon before themselves, or before the said joint Commission, witnesses, expert and otherwise, the testimony of which, in the opinion of said Commissioners, shall be material to enable them to justly and fully perform the duties on them hereby imposed. All witnesses may be summoned upon warrants therefor signed by the President of said Delaware Commission, and shall be paid, for attendance and mileage, the fees usually paid in the State of Delaware for the attendance of witnesses at the trial of civil causes in the Superior Court of said State. The attendance of witnesses before said Delaware Commission or before said joint commission may be compelled by attachments issued by said Delaware Commission to the Sheriff of any County in the State of Delaware; said attachments shall be signed by the President of said Delaware Commission and countersigned by the Secretary thereof, and shall be executed and returned by the Sheriff to whom the same shall be directed. Each of said Commissioners shall have power and authority to administer oaths or affirmations to witnesses appearing before them or before said joint commission.

Witnesses,
how paid

Attendance of
witnesses may
be enforced by
attachment.

Commissioners
have power to
administer
oaths.

Appropriation
of \$1500 for
expenses.

Money, how
drawn.

Section 3. The sum of fifteen hundred dollars is hereby appropriated out of the monies in the Treasury of this State, not otherwise appropriated, to pay the necessary expenses attendant upon the execution of the duties of said Commissioners. Said monies shall be drawn from the said Treasury, from time to time as occasion shall demand, upon the warrant of the Governor of this State drawn upon the State Treasurer, upon the certificate in writing to said Governor signed by the President and countersigned by the Secretary of said Delaware Commission, giving the details of such expenditures made or to be made as aforesaid.

Approved, March 23, A. D. 1905.

OF SOVEREIGNTY, JURISDICTION AND LIMITS.

CHAPTER 7.

OF SOVEREIGNTY, JURISDICTION AND LIMITS.

AN ACT giving the consent of the Legislature of the State of Delaware to the purchase by the United States for Military purposes of land adjoining the Military Reservation of Fort du Pont, Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the consent of the Legislature of Delaware be and the same is hereby given, pursuant to the seventeenth clause of the eighth section of the first article of the Constitution of the United States, to the purchase by the United States of three tracts of land aggregating, approximately, two hundred and seven acres, situate in Red Lion Hundred, New Castle County, for the enlargement of the military reservation of Fort DuPont, Delaware, said tracts comprising about one hundred and eleven and five-tenths acres, acquired by deed from Harry C. Clark and wife, dated the twenty-fourth day of July, one thousand eight hundred and ninety-nine, and recorded in Deed Record B, Volume eighteen, page two hundred and thirty, etc., in the Recorder's Office at Wilmington, Delaware; and two parcels aggregating about ninety-five and fifty-two hundredths acres, to be purchased from Thomas C. Reeves, et. al., heirs of Clement Reeves, deceased: Provided, That the sovereignty and jurisdiction of this State shall extend over said lands so far as that all civil process and such criminal process as may issue under the authority of this State against any person or persons charged with crimes or other offenses committed without such lands may be executed thereon in the same way and manner as if this consent had not been given.

Consent of State to purchase of land by U. S. Government for military reservation.

Sovereignty and jurisdiction of State to extend over lands

Approved, March 16, A. D. 1905.

OF THE PASSING AND PUBLICATION OF LAWS.

CHAPTER 8.

OF THE PASSING AND PUBLICATION OF LAWS.

AN ACT to Revive and Extend the time of Recording Private Acts.

Preamble. Whereas, By Section three of Chapter 4 of the Revised Statutes of the State of Delaware, it is provided that private Statutes, namely, such as are not of a public nature or published as such shall be recorded in the Recorder's office in one of the Counties of this State within twelve months after their passage or they will be void;

Preamble. And Whereas, A number of the private and unpublished Acts heretofore passed have been allowed to become void through various causes;

Therefore for the purpose of relieving the parties interested of the embarrassments and disappointments arising from such neglect in the premises,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each House concurring therein:)

Certain void acts re-enacted. Section 1. That all unpublished Acts heretofore passed that have become void on account of not having been duly recorded in compliance with the provisions aforesaid and that have not, by special Acts, been repealed or become void by lapse of the time for which they were limited, be and the same are hereby revived, renewed and re-enacted, and, together with the provisions therein contained, are respectively declared to be in full force for the period mentioned in the original Acts, and all Acts and transactions done and performed under the provisions of said Acts respectively shall have the same force and effect and be as valid to all intents and purposes as if the said Acts had been severally recorded according to Law. Provided, however, that this enactment shall not take effect in the case of any Act that has become void as aforesaid until a certified copy thereof procured of the Secretary of State shall be duly recorded in the Recorder's office of one of the Counties of this State; and Provided further that no such

Acts done under void acts made valid.

When certified copy of void act to be recorded.

OF THE PASSING AND PUBLICATION OF LAWS.

copy of a voided Act shall be received for record after the expiration of one year from the passage of this Act.

Section 2. This Act shall be taken and deemed to be a public Act and be published as such.

Approved, March 16, A. D. 1905.

CHAPTER 9.

OF THE PASSING AND PUBLICATION OF LAWS.

AN ACT to amend Chapter 4 of the Revised Code, Laws of Delaware, in Relation to the Publication of Laws.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Section 1 of Chapter 4, Revised Code, Laws of Delaware, be and the same is hereby amended by inserting between the words "thousand" and "copies" in the fourth line the words "and three hundred"; and that Section 2 of the said Chapter be and the same is hereby amended by striking out the word "three" in the tenth line and inserting in lieu thereof the word "five."

Section 1, Chapter 4, Revised Code amended increasing number of volumes of Session Laws published

Increasing number of volumes of Laws held for binding.

Section 2. That all acts or parts of acts inconsistent with this Act be and the same are hereby repealed.

Approved, March 30, A. D. 1905.

OF THE PASSING AND PUBLICATION OF LAWS.

CHAPTER 10.

OF THE PASSING AND PUBLICATION OF LAWS.

AN ACT authorizing the Enrolling Committees of the Senate and House of Representatives to have bills which have passed both Houses of the General Assembly printed instead of Enrolled, and providing that the printed copy shall take the place of and be known as the Enrolled Bill.

Preamble.

Whereas, During the last days of the Session the volume of business makes it impossible for the Enrolling Clerks of the respective houses to personally engross the bills and resolutions coming into their hands, and they are compelled to depend very largely on outside assistance resulting often in hasty and defective work, therefore,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Printed copy
of bill, when to
be enrolled bill.

Section 1. That during the last seven days of the Session of the Legislature, the Senate or House respectively, may order any bill printed which has had a second reading before either House, and such printed copy shall take the place of what is now known as and shall be called the enrolled bill and it shall be dealt with in the same manner as enrolled bills are dealt with at present, and shall be sent in printed form, after passing, to the other House, and in that form shall be dealt with by that House, and its officers in the same manner in which enrolled bills are now dealt with.

Not to prevent
enrollment
of bills.

Section 2. That nothing in this Act contained shall be construed to prevent the respective Houses to have enrolled as heretofore any or all bills either during the last seven days of the Session or at any other time.

Printing com-
mittee author-
ized to arrange
printing of Acts.

Section 3. The Printing Committees of the Senate and House of Representatives shall take such steps as may be necessary to carry this Act into effect and to provide for the speedy and correct execution of the printing herein contemplated.

Approved, March 9, A. D. 1905.

TITLE SECOND.

Of the Public Revenue; and the Assessment, Collection and
Appropriation of Taxes.

CHAPTER II.

OF PUBLIC REVENUE,

AN ACT making Appropriations for the Expenses of the State Government, other than Legislative Expenses, for the fiscal year ending on Monday immediately preceding the second Tuesday of January, in the year of our Lord one Thousand nine hundred and six.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (three-fourths of all the members elected to each House thereof concurring therein:)

Section 1. That the several amounts named in this Act, or so much thereof as may be necessary, are hereby appropriated and authorized to be paid out of the Treasury of this State to the respective public officers and for the several purposes specified for the current fiscal year ending on Monday immediately preceding the second Tuesday of January in the year of our Lord one thousand nine hundred and six; provided, however, that all parts or portions of the several sums appropriated by this Act, which on said Monday immediately preceding said second Tuesday of January, A.D. 1906, shall not have been paid out of the Treasury, shall be converted back into the General Fund of the Treasury.

Appropriation
for year 1905.

The said several sums hereby appropriated are as follows,
viz:

For the Governor for salary, Two Thousand dollars.

Governor.

OF PUBLIC REVENUE.

For the contingent expenses of the Governor's office, One Thousand dollars.

Secretary of State.

For the Secretary of State for salary, One Thousand dollars.

For the Secretary of State to pay the contingent expenses of his office, Twelve Hundred dollars.

For the Secretary of State for indexing and preparing for publication, the Laws of the session of the Legislature held in the year A. D. 1905, Five Hundred and Fifty dollars.

For the Secretary of State as compensation for performing the duties imposed on him by the provisions of an Act entitled "An Act to raise revenue for the State by taxing certain corporations" enacted by the General Assembly A. D. 1899, the sum of Five Hundred dollars.

For Secretary of State for paying cost of official bond, One Hundred dollars.

Stenographer and Typewriter for Governor and Secretary of State.

For Stenographer and Typewriter for the Governor and Secretary of State for salary, Seven Hundred dollars.

State Librarian.

For State Librarian for salary, Eight Hundred dollars.

State Library.

For current expenses of State Library, One Hundred dollars.

For the purchase of law books for State Library, Five Hundred dollars.

Janitor.

For the Janitor of the State House for salary, Five Hundred dollars.

Chancellor.

For the Chancellor for salary, Four Thousand and Five Hundred dollars.

For the Chancellor for reporting, Two Hundred dollars.

For the Chancellor to pay contingent expenses of the Court of Chancery, Two Hundred dollars.

For the Chancellor in payment of one hundred copies of his report, Eight Hundred dollars.

Chief Justice.

For the Chief Justice for salary, Four Thousand and Five Hundred dollars.

OF PUBLIC REVENUE.

For the four Associate Judges for salaries, Sixteen Thousand dollars. Associate Judges.

For the Associate Judge resident in Kent County, for reporting, Two Hundred dollars. Associate Judge of Kent county.

For the Associate Judge resident in Kent County for one hundred copies of "Pennewill's Delaware Reports," Volume 4, One Thousand dollars. Pennewill's Reports.

For the Court Stenographer for salary, Two Thousand dollars. Court Stenographer.

For transcript for Supreme Court and Assistant Stenographer, Three Hundred and Fifty dollars.

For the State Treasurer and Trustee of School Fund for salary, One Thousand Four Hundred and Fifty dollars. State Treasurer

For the State Treasurer for postage, stationery, clerical assistance and the like, to carry out the provisions of Section 22, Chapter 67, Volume 21, Laws of Delaware, Five Hundred dollars.

For the Auditor of Accounts for Salary, One Thousand and Two Hundred dollars. Auditor of Accounts.

For the Attorney-General for salary, Twenty-five Hundred dollars. Attorney General.

For the Deputy Attorney General for salary, One Thousand dollars. Deputy Attorney General.

For contingent expenses for the Attorney General for paying expenses in criminal prosecution, Twelve Hundred dollars. Contingent fund of Attorney General.

For the Insurance Commissioner for salary, Fifteen Hundred dollars. Insurance Commissioner.

For the Insurance Commissioner to pay the salary of his Clerk, Six Hundred dollars.

For the Insurance Commissioner to pay the necessary expenses of his office, such as postage, stationery, etc., Five Hundred dollars.

OF PUBLIC REVENUE.

State Detectives. For the two State Detectives for salaries, Two Thousand and Four Hundred dollars.

For actual expenses in serving requisition papers, Three Hundred dollars.

Fish Commissioner. For the Fish Commissioner for salary and all necessary expenses incurred in the discharge of his official duties, Five Hundred dollars.

For contingent expenses of Fish Commissioner to pay postage and stationery, traveling expenses, etc., One Hundred and Twenty-five dollars.

Oyster Revenue Collector. For the Oyster Revenue Collector for salary, Seven Hundred dollars.

Officers and crew of Watch Boat. For the payment of officers and crew of watch-boat for the protection of oysters, Twenty-three Hundred and Forty dollars.

County School Superintendents. For the three County Superintendents of Schools, Three Thousand and Six Hundred dollars.

Teachers' Institute, white. For the expenses of holding the white Teachers' Institute in the several counties of this State, Four Hundred and Fifty dollars.

Teachers' Institute, colored. For the expenses of holding colored Teachers' Institute, One Hundred and Fifty dollars.

National Guard. For the purpose of carrying into effect the provisions of the Act entitled "An Act to provide for the maintenance, discipline and regulation of the National Guard of Delaware," passed at Dover, May 7th, 1897, as amended, Five Thousand dollars.

Water for State House. For the town of Dover, to pay for water furnished for the use of the State House, One Hundred dollars.

Farmers' Institute. For the Farmers' Institute for the purpose of defraying incidental expenses of holding the same, Six Hundred dollars.

State Board of Agriculture. For the State Board of Agriculture, Three Thousand dollars.

Industrial School for Girls. For the Delaware Industrial School for Girls, Three Thousand Dollars.

OF PUBLIC REVENUE.

For St. Michael's Day Nursery and Hospital for Babes, St. Michael's Nursery.
Five Hundred dollars.

For the Peninsula Horticultural Society, Five Hundred Horticultural Society.
dollars.

For the State Board of Health, Two Thousand and Five Board of Health.
Hundred dollars.

For the Trustees of Delaware College for the use of Delaware College.
said College, being its share of appropriation made by the
general Government for the year 1905, Twenty Thousand
dollars.

For the Trustees of the State College for Colored Students, College for Colored Students.
for the use of said College, being its share of appropriation
made by the general Government for the year 1905, Five
Thousand dollars.

For the burial of indigent soldiers, sailors or marines, Indigent Soldiers.
Seven Hundred and Fifty dollars.

For the Historical Society of Delaware for the use thereof, Historical Society.
Three Hundred dollars.

For the purpose of re-imbursing the owners of diseased Owners of diseased cattle killed.
cattle killed under the provisions of Section 2 of the Act
entitled "An Act to prevent the spread of contagious or infec-
tious pleuro-pneumonia among the cattle of this State," and
for all other expenses under said Act, Two Hundred dollars.

For the purpose of defraying the expenses involved in Infectious disease among lower animals.
carrying out the provisions of the Act entitled "An Act for
the eradication of infectious and contagious diseases among
lower animals," and of the amendments thereof, One Thou-
sand dollars.

For insurance against fire on property belonging to the Insurance.
State, One Thousand Seven Hundred dollars.

For the maintenance and instruction of the indigent deaf Deaf, dumb, blind and idiotic.
and dumb and indigent blind and indigent idiotic children, in
institutions outside the State, Eight Thousand dollars.

For the purchase of books, maps and other appliances for Books, etc. for blind.
the use of the blind, One Hundred dollars.

OF PUBLIC REVENUE.

- President of State Hospital at Farnhurst, Report of For the President of the Board of Trustees of the State Hospital at Farnhurst for visiting the institutions outside of the State in which are being instructed at the expense of the State, indigent deaf and dumb, indigent blind and indigent idiotic children, and for making report to the Governor concerning the same, One Hundred dollars.
- School Fund. For the benefit of the Free Public Schools and in addition to the income arising from the investments of the Public School Fund, to be used exclusively for the payment of teachers' salaries and for furnishing free text books, One Hundred and Thirty-two Thousand dollars.
- Interest on State debt. For the purpose of paying interest on the indebtedness of the State, Thirty-two Thousand dollars.
- State Board of Education and County School Commissioners For the purposes of paying the expenses of the State Board of Education and also the expenses of County School Commissioners under the Act entitled "An Act providing for the Establishment of a General System of Free Public Schools" passed at the adjourned session of the Legislature held in the year 1898, One Thousand Five Hundred and Seventy-five dollars.
- Students attending Graded Schools. For the State Treasurer to carry out the provisions of "An Act providing Graded School facilities for the children of this State," approved at Dover, March 9, 1899, Four Thousand and Five Hundred dollars.
- Traveling Library Commission. For the Chairman of the Committee on Traveling Libraries of the State Federation of Women's Clubs for Delaware, the sum of One Hundred Dollars for the purpose of establishing a traveling library.
- Bacteriological Laboratory. For the salary of the Bacteriologist and all expenses of the Pathological and Bacteriological Laboratory at Delaware College, Twenty-five Hundred dollars.
- Delaware Society for Prevention of Cruelty to Children. For the Delaware Society for the Prevention of Cruelty to Children for the purpose of enforcing laws, etc., Nine Hundred dollars.
- Lieutenant Governor. For the Lieutenant Governor for services as a member of Board of Pardons, One Hundred dollars.

OF PUBLIC REVENUE.

For the State Treasurer for paying cost of his official bond, State Treasurer
Official Bond.
Three Hundred dollars.

For the Clerk of the Senate for preparing, indexing and Clerk of Senate
superintending the printing of his Journal, Five Hundred and
Fifty dollars.

For the Clerk of the House of Representatives for prepar- Clerk of House
ing, indexing and superintending the printing of his Journal,
Five Hundred and Fifty dollars.

For printing Acts and Resolutions of the General Assembly Printing.
and for all other printing done for the benefit and use of the
State, Five Thousand dollars.

The State Treasurer for repairs to State property, Two Repairs to State
property.
Hundred dollars.

For rent of telephone for use of State House, Twenty-five Telephone.
dollars.

For contingent fund for State Treasurer, Two Hundred State Treasurer,
contingent
fund.
dollars.

For blanks, postage, stationery, etc., for use of State Aud- State Auditor,
contingent
fund.
itor's office, Five Hundred dollars.

For contingent fund for Insurance Commissioner, Three Insurance
Commissioner,
contingent
fund.
Hundred dollars.

For National Guard of State of Delaware for field practice. National Guard
Eight Thousand dollars.

For Propagation of sturgeon, Eight Hundred dollars. Sturgeon.

For G. A. R. Memorial Day expenses, One Thousand G. A. R. Me-
morial Day.
dollars.

For Medical Councils of Delaware, Three Hundred dollars. Medical Coun-
cil of Delaware.

For Stenographer for Chancellor, Six Hundred dollars. Stenographer
for Chancellor

For factory and work shop Inspector under House Bill No. Inspector,
Factory.
206, One Thousand dollars.

For printing General Incorporation Law, Three Hundred Printing Incor-
poration Laws.
and Fifty dollars.

OF PUBLIC REVENUE.

Repairing on
State House.

For repairing, heating and lighting State House, Five Hundred dollars.

Public High-
way for New
Castle county.

For carrying out the provisions of "An Act to provide for the permanent improvement of the Public Highways in New Castle County, Delaware," under the Act of 1905, Ten Thousand dollars.

Public High-
way, Kent
county.

For carrying out the provisions of "An Act to provide for the permanent improvement of the Public Highways in Kent County, Delaware," under the Act of 1905, Ten Thousand dollars.

Public High-
ways, Sussex
county.

For carrying out the provisions of "An Act to provide for the permanent improvement of the Public Roads in Sussex County, Delaware," under the Act of 1905, Ten Thousand dollars.

Delaware-New
Jersey Commis-
sioners.

To pay expenses of the Commission appointed by Act of this State to confer with a like Commission appointed on the part of the State of New Jersey to frame uniform fishing legislation and for other purposes mentioned in said Act, One Thousand and Five Hundred dollars.

Public High-
ways, Sussex
county.

To pay amount due contractors for construction of permanent highway in Sussex County under the Law for a permanent improvement of the Public Highways of the State of Delaware now held by the State Treasurer, One Hundred and Eighty-three dollars and Twenty-five cents.

Delaware State
Highway
Commissioners.

For salary for three State Highway Commissioners from January 1st to March 23rd, 1905, under an Act to provide for the permanent Improvement of the Public Highways in the State of Delaware," Six Hundred and Ninety-one dollars.

New Castle
County High-
way Commis-
sioner.

For salary of New Castle County State Highway Commissioner, One Thousand dollars.

Approved, April 6, A. D. 1905.

OF PUBLIC REVENUE.

CHAPTER 12.

OF PUBLIC REVENUE.

AN ACT making Appropriations for the Expenses of the State Government, other than Legislative Expenses, for the fiscal year ending on Monday immediately preceding the second Tuesday of January, in the year of our Lord one thousand nine hundred and seven.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That the several amounts named in the Act, or so much thereof as may be necessary, are hereby appropriated and authorized to be paid out of the Treasury of this State to the respective public officers and for the several purposes specified for the current fiscal year ending on Monday immediately preceding the Second Tuesday of January in the year of our Lord one thousand nine hundred and seven, provided, however, that all parts or portions of the several sums appropriated by this Act, which on said Monday immediately preceding said second Tuesday of January, A. D. 1907, shall not have been paid out of the Treasury, shall be converted back into the General Fund of the Treasury. The said several sums hereby appropriated are as follows, viz:

Appropriation
for 1906.

For the Governor for salary, Two Thousand dollars.

Governor.

For the contingent expenses of the Governor's office, One Thousand dollars.

For the Secretary of State for salary, One Thousand dollars.

Secretary of
State.

For the Secretary of State to pay the contingent expenses of his office, Twelve Hundred dollars.

For the Secretary of State as compensation for the performing the duties imposed on him by the provisions of an Act entitled "An Act to raise revenue for the State by taxing certain corporations" enacted by the General Assembly A. D. 1899, the sum of Five Hundred dollars.

OF PUBLIC REVENUE.

For Secretary of State for paying cost of official bond, One Hundred dollars.

Stenographer
and Typewriter
for Governor
and Secretary
of State.

For Stenographer and Typewriter for the Governor and Secretary of State for salary, Seven Hundred dollars.

State Librarian.

For State Librarian for salary, Eight Hundred dollars.

State Library.

For current expenses of State Library, One Hundred dollars.

For the purchase of law books for State Library, Five Hundred dollars.

Janitor.

For the Janitor of the State House for salary, Five Hundred dollars.

Chancellor.

For the Chancellor for salary, Four Thousand and five Hundred dollars.

For the Chancellor for reporting, Two Hundred dollars.

For the Chancellor to pay the contingent expenses of the Court of Chancery, Two Hundred dollars.

For the Chancellor in payment of one hundred copies of his report, Eight Hundred dollars.

Chief Justice.

For the Chief Justice for salary, Four Thousand and Five Hundred dollars.

Associate
Judges.

For the four Associate Judges for salaries, Sixteen Thousand Dollars.

Associate
Judge of Kent
county.

For the Associate Judge resident in Kent County, for reporting, Two Hundred dollars.

Court Steno-
grapher.

For the Court Stenographer for salary, Two Thousand dollars.

For transcript for Supreme Court and Assistant Stenographer, Three Hundred and Fifty dollars.

State Treasurer

For the State Treasurer and Trustee of the School Fund for salary, One Thousand Four Hundred and Fifty dollars.

For the State Treasurer for postage, stationery, clerical assistance and the like, to carry out the provisions of Section

OF PUBLIC REVENUE.

22, Chapter 67, Volmue 21, Laws of Delaware, Five Hundred dollars.

For the Auditor of Accounts for salary, One Thousand and Two Hundred dollars. Auditor of Accounts.

For the Attorney General for salary, Twenty-five Hundred dollars. Attorney General.

For the Deputy Attorney General for salary, One Thousand dollars. Deputy Attorney General.

For contingent expenses for the Attorney General for paying expenses in criminal prosecution, Twelve Hundred dollars. Attorney General, contingent fund.

For the Insurance Commissioner to pay the salary of his Clerk, Six Hundred dollars. Insurance Commissioner's clerk.

For the Insurance Commissioner to pay the necessary expenses of his office, such as postage, stationery, etc., Five Hundred dollars.

For the two State Detectives for salaries, Two Thousand and Four Hundred dollars. State Detectives.

To actual expenses in serving requisition papers, Three Hundred dollars.

For the Fish Commissioner for salary and all necessary expenses incurred in the discharge of his official duties, Five Hundred dollars. Fish Commissioner.

For contingent expenses of Fish Commissioner to pay postage and stationery, traveling expenses, etc., One Hundred and Twenty-five dollars.

For the Oyster Revenue Collector for salary, Seven Hundred dollars. Oyster Revenue Collector.

For the payment of officers and crew of watch boat for the protection of oysters, Twenty-three Hundred and Forty dollars. Officers and crew of Watch Boat.

For the three County Superintendents of Schools, Three Thousand and Six Hundred dollars. County School Superintendents.

OF PUBLIC REVENUE.

Teachers' Institute, white. For the expenses of holding the white Teachers' Institute in the several counties of this State, Four Hundred and Fifty dollars.

Teachers' Institute, colored. For the expense of holding colored Teachers' Institute One Hundred and Fifty dollars.

National Guard. For the purpose of carrying into effect the provisions of the Act entitled "An Act to provide for the maintenance, discipline and regulation of the National Guard of Delaware" passed at Dover, May 7, 1897, as amended, Five Thousand dollars.

Water for State House. For the Town of Dover, to pay for water furnished for the use of the State House, One Hundred dollars.

Farmers' Institute. For the Farmers' Institute for the purpose of defraying incidental expenses of holding the same, Six Hundred dollars.

State Board of Agriculture. For the State Board of Agriculture, Three Thousand dollars.

Industrial School for Girls. For the Delaware Industrial School for Girls, Three Thousand dollars.

St. Michael's Nursery. For St. Michael's Day Nursery and Hospital for Babes, Five Hundred dollars.

Horticultural Society. For the Peninsula Horticultural Society, Five Hundred dollars.

State Board of Health. For the State Board of Health, Two Thousand and Five Hundred dollars.

Delaware College. For the Trustees of Delaware College for the use of said College, being its share of appropriation made by the general Government for the year 1906, Twenty Thousand dollars.

College for Colored Students. For the Trustees of the State College for Colored Students, for the use of said College, being its share of appropriation made by the General Government for the year 1906, Five Thousand dollars.

Indigent Soldiers. For the burial of indigent soldiers, sailors and marines, Seven Hundred and Fifty dollars.

OF PUBLIC REVENUE.

For the Historical Society of Delaware for the use thereof, Historical Society.
Three Hundred dollars.

For the purpose of re-imbursing the owners of diseased Owners of diseased cattle killed.
cattle killed under the provisions of Section 2 of the Act entitled "An Act to prevent the spread of contagious or infectious pleuro-pneumonia among the cattle of this State," and for all other expenses under said Act, Two Hundred dollars.

For the purpose of defraying the expenses involved in carrying out the provisions of the act entitled "An Act for the eradication of infectious and contagious diseases among the lower animals," and of the amendments thereof, One Thousand dollars. Infectious disease among lower animals.

For insurance against fire on property belonging to the State, One Hundred dollars. Insurance.

For the maintenance and instruction of the indigent deaf and dumb and indigent blind and indigent idiotic children, in institutions outside the State, Eight Thousand dollars. Deaf, dumb, blind and idiotic.

For the purchase of books, maps and other appliances for the use of the blind, One Hundred dollars. Books, etc. for blind.

For the President of the Board of Trustees of the State Hospital at Farnhurst for visiting the institutions outside the State in which are being instructed at the expense of the State, indigent deaf and dumb, indigent blind and indigent idiotic children, and for making report to the Governor concerning the same, One Hundred dollars. President of State Hospital at Farnhurst for visiting outside institutions.

For the benefit of the Free Public Schools and in addition to the income arising from the investments of the Public School Fund, to be used exclusively for the payment of teachers' salaries and for furnishing free text books, One Hundred and Thirty-two Thousand dollars. School Fund.

For the purpose of paying interest on the indebtedness of the State, Thirty-two Thousand dollars. Interest on State debt.

For the purposes of paying the expenses of the State Board of Education and also the expenses of County School Commissioners under the Act entitled "An act providing for the establishment of a General System of Free Public State Board of Education and County School Commissioners

OF PUBLIC REVENUE.

Schools", passed at the adjourned session of the Legislature held in the year 1898, One Thousand Five Hundred and Seventy-five dollars.

Students attending Graded Schools.

For the State Treasurer to carry out the provisions of "An Act providing graded school facilities for the children of this State," approved at Dover, March 9, 1899, Four Thousand and Five Hundred dollars.

Traveling Libraries.

For the Chairman of the Committee on Traveling Libraries of the State Federation of Women's Clubs for Delaware, the sum of One Hundred dollars for the purpose of establishing a traveling library.

Bacteriological Laboratory.

For the salary of the Bacteriologist and all expenses of the Pathological and Bacteriological Laboratory at Delaware College, Twenty-five Hundred dollars.

Delaware Society for Prevention of Cruelty to Children.

For the Delaware Society for the Prevention of Cruelty to Children for the purpose of enforcing laws, etc., Nine Hundred dollars.

Lieutenant Governor.

For the Lieutenant Governor for services as a member of the Board of Pardons, One Hundred dollars.

Repairs to State House.

For the State Treasurer for repairs to State property, Two Hundred dollars.

State Treasurer Official Bond.

For the State Treasurer for paying cost of his official bond, Three Hundred dollars.

Department of Elections for Wilmington.

For the Department of Elections for the City of Wilmington, Four Thousand and Three Hundred dollars.

Registrars, etc.

For Registrars and Associate Registrars for compensation for their services, Thirteen Thousand dollars.

Printing.

For printing done for the use and benefit of the State, including the books and papers to be furnished to the Registration officers, Ten Thousand dollars.

Legislative Committee to settle with State officers.

For the use of the joint committee to settle with the State officers in January A. D. 1906, One Thousand dollars.

Telephone.

For rent of telephone for use of State House, Twenty-five dollars.

OF PUBLIC REVENUE.

For contingent fund for State Treasurer, Two Hundred dollars. State Treasurer, contingent fund.

For blanks, postage, stationery, etc., for use of State Auditor's office, Five Hundred dollars. State Auditor, contingent fund.

For contingent fund for Insurance Commissioner, Three Hundred dollars. Insurance Commissioner, contingent fund.

For National Guard of State of Delaware, for field practice, Eight Thousand dollars. National Guard.

For propagation for sturgeon, Eight Hundred dollars. Sturgeon.

For G. A. R. Memorial Day expenses, One Thousand dollars. G. A. R. Memorial Day.

For Medical Councils of Delaware, Three Hundred dollars. Medical Council.

For Stenographer for the Chancellor, Six Hundred dollars. Stenographer for Chancellor.

For cremation of animals in 1904, under Chapter 451, Vol. 20, Laws of Delaware, One Thousand One Hundred and Ninety-seven dollars. Cremation of animals.

For factory and work shop inspector under House Bill, No. 206, One Thousand dollars. Factory Inspector.

For printing General Incorporation Law, Three Hundred and Fifty dollars. Printing Incorporation Laws.

For repairing, heating and lighting State House, Five Hundred dollars. Repairing on State House.

For carrying out the provisions of "An Act to provide for the permanent improvement of the Public Highways in New Castle County, Delaware," under the act of 1905, Ten Thousand dollars. Public Highway for New Castle county.

For carrying out the provisions of "An Act to provide for the permanent improvement of the Public Highways in Kent County, Delaware," under the act of 1905, Ten Thousand dollars. Public Highway, Kent county.

For carrying out the provisions of "An Act to provide for the permanent improvement of the Public Roads in Sussex" Public Highways, Sussex county.

OF PUBLIC REVENUE.

County, Delaware," under the act of 1905, Ten Thousand dollars.

New Castle
County High-
way Commis-
sioner.

For salary of New Castle County State Highway Commissioner, One Thousand dollars.

Approved, April 18, A. D. 1905.

CHAPTER 13.

OF PUBLIC REVENUE.

AN ACT appropriating certain money out of the State Treasury of this State to pay certain claims against the State.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Sundry claims. Section 1. That the several sums of money hereinafter named are hereby appropriated out of the Treasury of this State for the purpose of paying the claims hereinafter mentioned, and the State Treasurer is hereby authorized and directed to pay the same as follows:

Services of H. H. Ward.....	\$3000.00
C. R. Layton.....	550.00
J. S. Godwin.....	36.40
C. L. Moore.....	35.00
W. S. Quigley.....	870.00
Smyrna Times	54.50
Delawarean	49.60
J. B. Robinson.....	95.65
Peninsular News	5.60
J. Frank Allee.....	7.00
Dover Ice Co.....	35.55
Union Republican Publishing Co.....	193.40
William Culveyhouse.....	22.90

OF PUBLIC REVENUE.

T. K. Jones.....	178.99	
C. H. Gray.....	11.15	
C. G. Gray.....	2.00	
Milton Times	2.20	
Delaware Democrat.....	3.10	
Sussex Journal.....	6.30	
Dover Index	38.75	
Clarke & McDaniel.....	353.13	
State Sentinel Printing Co.....	1052.50	
Starling & Beck.....	2.00	
Riley Melvine	22.00	
James W. Wise.....	26.00	
Howard Scotten.....	11.00	
Willie Dewitt	2.00	
Theodore Townsend, Milford Chronicle.....	116.00	
Middletown Transcript	7.20	
Delaware Pilot	8.10	
The Evening Journal.....	75.60	
G. W. Baker	20.87	
John D. Brooks.....	52.40	
L. A. Davis.....	53.27	
Mrs. Carrie G. Ritter.....	} Typewritists {	135.00
Miss Estella Rash.....		120.00
Mrs. Edith Ingersoll.....		60.00
Miss Fannie Harrington.....		20.00
Walter Pardoe.....		351.50
Edward Baker		4.00
J. A. Hirons.....		112.34
James Carroll		25.00
C. M. Smith Stationery Co.....		58.00
C. H. Simmons.....		600.00
News Publishing Co.....		101.40
J. S. Rowan, Senate and House.....		174.81
Robert H. VanDyke.....		17.90
Lewis Chambers.....		50.00
Republican Publishing Co.....		151.75
A. V. Leslie George (Clerk hire).....		85.00
E. I. Abbott.....		175.00
Philip Q. Churchman.....		1304.21
George H. Bates.....		2500.00
Diamond State Telephone Co.....		280.28

OF PUBLIC REVENUE.

Dover Gas Light Co.....	314.72
George G. Byron, House.....	54.60
J. W. Steele, Exc.....	7.50
J. A. Bonsall.....	26.00
W. H. Moore.....	25.00
Howard E. Vernon.....	16.00
G. W. Marshall.....	217.18
Albert L. Massey.....	2.50
S. C. Evans & Son.....	61.75
Thomas S. Lewis (House).....	309.30
Frances M. Dempsey.....	3.00
Levy Court.....	144.00
M. E. Haman.....	10.00
Edward Houston.....	50.00
George H. Baynum.....	50.00
James Lord.....	50.00

Approved, March 23, A. D. 1905.

CHAPTER 14.

OF PUBLIC REVENUE.

AN ACT appropriating Nine Hundred and Fifty Dollars to Defray Expenses of Inaugurating the Governor and Lieutenant Governor.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Inaugurating
Governor and
Lieutenant
Governor,
expenses
thereof
appropriated.

Section 1. That the sum of Nine Hundred and Fifty dollars be and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated, to defray the expenses incurred inaugurating the Governor and Lieutenant Governor. And the State Treasurer is hereby authorized to pay the same to John P. Armstrong, Treasurer of the Joint Legislative Committee on said Inauguration, said Treasurer to present and file with the State Treasurer proper vouchers for the expenditure of the same.

Approved, February 7, A. D. 1905.

OF PUBLIC REVENUE.

CHAPTER 15.

OF PUBLIC REVENUE.

AN ACT to appropriate money to pay the expenses of attending the ceremonies of the Inauguration of the President.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That the sum of Twenty-seven Hundred dollars be and the same is hereby appropriated to pay the expenses of the Governor and his Staff, other State officers, the members and officers of the Legislature and the Militia in attending the ceremonies of the inauguration of the President on the fourth of March.

Inauguration of
President of
United States.

Section 2. That said money or so much thereof as is necessary so appropriated shall be paid by the State Treasurer to the Committee of the General Assembly on Arrangements to attend said inaugural ceremonies upon their order.

Funds, how
paid by State
Treasurer.

Approved, February 21, A. D. 1905.

OF PUBLIC REVENUE.

CHAPTER 16.

OF PUBLIC REVENUE.

AN ACT to provide for the payment of certain expenses incurred in the burial of certain indigent soldiers, sailors or marines.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (three-fourths of all the members elected to each House concurring therein:)

\$625 from General Fund for burial of indigent soldiers, sailors and marines.

Section 1. That there is hereby appropriated out of any moneys in the General Fund, not otherwise appropriated, the sum of Six Hundred and Twenty-five dollars, or so much thereof as may be necessary, to the Department Commander of the Delaware Grand Army of the Republic, for the purpose of paying the funeral expenses of twenty-five indigent soldiers sailors and marines. The annual State appropriation therefore having been exhausted.

Approved, March 2, A. D. 1905.

OF PUBLIC REVENUE.

CHAPTER 17.

OF PUBLIC REVENUE.

AN ACT providing for an appropriation of Five Hundred Dollars to erect a Monument to Commemorate the First Settlement in Delaware, at Lewes, Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That a joint committee consisting of Preston Lea, Governor, representing the State and Charles B. Lore, Ebe W. Tunnell and George W. Marshall, representing the Historical Society of Delaware, together with an auxiliary committee consisting of Harry V. Lyons, Louis W. Mustard, Hiram R. Burton, Charles H. Maull, John M. Richardson, James Thompson, John P. Virden, Clinton Long, William P. Orr, Elijah J. Morris, Joseph Martin, Robert C. Chambers, William R. Messick, David H. Hall and Robert Arnel, be and is hereby appointed to erect a suitable monument to commemorate the first settlement of colonists in this State at Fort Oplandt at or near the town of Lewes, Sussex County, and the sum of Five Hundred dollars is hereby appropriated for that purpose, said sum or so much of the same as shall be necessary, to be expended under the direction of said committee.

\$500 appropriated to erect monument commemorating first settlement in Delaware, at Lewes.

Names of the committee.

Approved, March 30, A. D. 1905.

OF PUBLIC REVENUE.

CHAPTER 18.

OF PUBLIC REVENUE.

AN ACT appropriating a certain sum of money to The State Society of The Daughters of the American Revolution to help defray the cost of the construction of the D. A. R. Memorial Hall at Washington.

Preamble.

Whereas, The National Society of the Daughters of the American Revolution have commenced the erection and construction of a magnificent building in the City of Washington, D. C. for the purpose of commemorating the War of the American Revolution and perpetuating valuable records and relics connected therewith; and

Preamble.

Whereas, The design of the said Memorial Hall calls for thirteen massive monoliths representing the thirteen original States; and

Preamble.

Whereas, There has been assigned to the Society of the Daughters of the American Revolution of the State of Delaware the honor of raising the sum of Two Thousand dollars to defray the cost of the monolith representing the State of Delaware;

Now Therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

\$1 000 to be paid Daughters of American Revolution to pay, in part, costs of monolith in Memorial Hall.

Section 1. That the sum of One Thousand dollars be and the same is hereby appropriated to the said society of the Daughters of the American Revolution toward defraying the cost of the said monolith in the said Memorial Hall, and the State Treasurer is hereby authorized and directed to pay the said amount to the Treasurer of the said Society of the Daughters of the American Revolution of Delaware out of any moneys in the Treasury to the credit of the General Fund not otherwise appropriated.

Approved, April 3, A. D. 1905.

OF PUBLIC REVENUE.

CHAPTER 19.

OF PUBLIC REVENUE.

AN ACT transferring certain moneys belonging to the School Fund, providing that the State shall pay Interest therefor, and authorizing the said moneys to be used in the Redemption of certain State Bonds.

Whereas, The sum of Twenty-two Thousand and Thirty-five dollars proceeds of the liquidation of the Farmers' Bank at New Castle, and belonging to the permanent investments of the School Fund, was paid into the State Treasury on July 7, 1899, and has remained uninvested and unproductive since that time. Preamble.

And Whereas: It is desired that the said sum of Twenty-two Thousand and Thirty-five dollars, now standing to the credit of the School Fund should be invested so that the same may draw interest: Preamble.

And Whereas: It is deemed advisable, in order to secure a present investment of the last mentioned sum so that an income of six per centum per annum may be presently derived therefrom for the benefit of the Free Schools, that the State of Delaware should borrow the said sum of money and issue its bonds to the trustee of the School Fund to secure the same; and apply the said moneys to the payment of a part of the bonded debt, of the State. Preamble.

And Whereas: A certain bond of the State of Delaware to the School Fund for the sum of One Hundred and Fifty-six Thousand Seven Hundred and Fifty dollars will be due and payable on the first day of July, A. D. 1906. Preamble.

And Whereas: It is desired to make provision for renewing said bond, and including in the said bond when renewed the said sum of Twenty-two Thousand and Thirty-five dollars now remaining uninvested to the credit of the School Fund as aforesaid and also to pay interest on the said sum to the School Fund, Now therefore, Preamble.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That the trustee of the School Fund be and he

Trustee of
School Fund
authorized to

OF PUBLIC REVENUE.

transfer certain
school funds to
State Treasurer
for purchase of
State bonds.

State Treasurer
to pay interest
on said bonds.

State bond
authorized to
be issued.

is hereby authorized and directed to transfer the sum of Twenty-two Thousand and Thirty-five dollars, now standing to the credit of the School Fund to the State Treasurer who shall deposit the same to the credit of the State and take the receipt of the State Treasurer therefor, the sum to be applied to the purchase of outstanding bonds of the State as is now or may be provided by law. And the State Treasurer is hereby authorized and directed to pay to the Trustee of the School Fund, interest on the above stated sum at the rate of six per centum per annum, from the first day of January A. D. 1906, to the first day of July A. D. 1906.

Section 2. That a single bond of this State shall be issued for the sum of One Hundred and Seventy-eight Thousand Seven Hundred and Eighty-five dollars (\$178,785.) being made up of the aforesaid sum of One Hundred and Fifty-six Thousand and Seven Hundred and Fifty dollars (\$156,750), and the further sum of Twenty-two Thousand and Thirty-five dollars (\$22,035.), proceeds of the liquidation of the Farmers' Bank at New Castle and paid into the State Treasury, but also belonging to the School Fund. The said bond shall be in the following form, viz:

Form of Bond.

United States of America

State of Delaware.

These presents certify and make known that the State of Delaware acknowledges itself to owe unto "The School Fund of the State of Delaware" the sum of One Hundred and Seventy-eight Thousand and Seven Hundred and Eighty-five dollars (\$178,785.) which it promises and obliges itself to pay unto the trustee of the School Fund, on the first day of July A. D. one thousand nine hundred and thirty-one (1931) together with interest on the same at the rate of six per centum per annum to be computed from and after the first day of July A. D. 1906, and to be paid in manner following: The sum of Ten Thousand Seven Hundred and Twenty-seven dollars and ten cents as and for interest on the first day of July A. D. 1907, and the like sum of Ten Thousand Seven Hundred and Twenty-seven dollars and ten cents as and for interest on the first day of July in each and every year thereafter while the principal debt remains unpaid.

OF PUBLIC REVENUE.

Dated at Dover, the day of A. D. 1906.

Witness the Great Seal of the said State and the hands of the Governor, Secretary of State and State Treasurer, the day and year aforesaid.

..... Governor.
 Sec'y of State.
 State Treasurer.

(Great Seal.)

The said bond shall be signed by the Governor, Secretary of State and State Treasurer; shall have the Great Seal affixed thereto, and shall be dated on the day of its execution; when duly executed it shall be delivered to the trustee of the School Fund who shall file his receipt therefor with the Secretary of State, and that officer shall cause such receipt to be duly recorded in the official register of his office.

Bond, by whom
signed and to
whom
delivered.

Section 3. That the faith of the State be and it is hereby expressly pledged for the full payment of the moneys represented by said bond, principal and interest; and the said bond and the moneys thereby secured are hereby expressly declared to be the property of the said School Fund.

Public faith
pledged.

Bonds the
property of
School Fund.

Section 4. That the interest on said bond shall be paid accordingly to its tenor by the State Treasurer out of any unappropriated moneys in the Treasury; and that officer is likewise directed to pay to the trustee of the School Fund the interest on the same.

Interest on
bonds, and how
and to whom to
be paid.

Approved, April 3, A. D. 1905.

OF PUBLIC REVENUE.

CHAPTER 20.

OF PUBLIC REVENUE.

AN ACT appropriating One Hundred and Fourteen Thousand Dollars to "The State Board of Trustees of the Delaware State Hospital at Farnhurst".

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

\$57,000 appropriated to Hospital at Farnhurst for 1905-6.

Section 1. That the sum of Fifty-seven Thousand dollars, or so much thereof as may be necessary, is hereby appropriated and authorized to be paid out of the Treasury of this State, to "The State Board of Trustees of the Delaware State Hospital at Farnhurst," for the use and support of "The Delaware State Hospital at Farnhurst," during the fiscal year ending on Monday next immediately preceding the second Tuesday of January in the year A. D. 1906.

\$57,000 appropriated to Hospital at Farnhurst for 1906-7.

Section 2. That the further and additional sum of Fifty-seven Thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated and authorized to be paid out of the Treasury of this State, to "The State Board of Trustees of the Delaware State Hospital at Farnhurst," for the use and support of "The Delaware State Hospital at Farnhurst" during the fiscal year ending on Monday next immediately preceding the second Tuesday of January in the year, A. D. 1907.

Approved, March 21, A. D. 1905.

OF PUBLIC REVENUE.

CHAPTER 21.

OF PUBLIC REVENUE.

AN ACT to Provide for the Redemption of the "Delaware State Hospital Improvement Bonds", issued in accordance with the Act of the General Assembly passed May 8, 1895, and making the necessary appropriations therefor.

Whereas, The General Assembly by an Act passed on May 8, 1895, authorized the issue of thirty-five bonds of the State of Delaware, of the denomination of One Thousand dollars each, numbered from 1 to 35 inclusive, and to be known as "Delaware State Hospital Improvement Bonds." "The principal of said bonds to be payable on the first day of July A. D. 1915, at the Farmers' Bank at Wilmington on presentation and surrender of the said bonds, but the same or any part thereof may be redeemed at the option of the State on any first day of January or first day of July in or after the year A. D. 1906, upon thirty days notice published in one newspaper in the City of Philadelphia and in one newspaper in the State of Delaware," as therein provided, therefore,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That the State Treasurer be and he is hereby authorized, empowered and directed to redeem the said "Delaware State Hospital Improvement Bonds," issued under the provisions of Chapter 182, Volume 20, Laws of Delaware, and passed on May 8, A.D. 1895, said Bonds being numbered from 1 to 35, both inclusive, on the first day of January A. D. 1906, or on any first day of January or first day of July thereafter, in accordance with the provisions of said Act.

State Treasurer authorized to redeem certain Delaware State Hospital Improvement Bonds.

Section 2. That for this purpose the sum of Thirty-five Thousand dollars be and the same is hereby appropriated out of any money, at said dates, in the Sinking Fund or the General Fund not otherwise appropriated which may be available.

\$35,000 appropriated to carry into effect said redemption.

Section 3. That all bonds redeemed under the provisions of this Act together with all the unmatured coupons attached

Cancellation of bonds so redeemed.

OF PUBLIC REVENUE.

thereto shall be cancelled in the manner provided by Section 5, of Chapter 182, Volume 20, Laws of Delaware.

Approved, April 3, A. D. 1905.

CHAPTER 22.

OF PUBLIC REVENUE.

AN ACT appropriating certain money out of the State Treasury of this State, to pay the claim of Clarke and McDaniel for Stationery and Supplies.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Claim of
\$1239.84 Clarke
& McDaniel for
stationery and
supplies for
General
Assembly.

Section 1. That the sum of Twelve Hundred and Thirty-nine dollars and Eighty-four cents (\$1239.84) be and the same is hereby appropriated out of the Treasury of this State for the purpose of paying the claim of Clarke and McDaniel for stationery and supplies, and the State Treasurer is hereby authorized and directed to pay the same.

Approved, February 28, A. D. 1905.

OF PUBLIC REVENUE.

CHAPTER 23.

OF PUBLIC REVENUE.

AN ACT appropriating certain money out of the Treasury of this State to pay the claim of Dr. Henry Marshall for twenty professional visits and inoculating eight hundred and forty-six head of horses and cattle.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the sum of "Three Hundred and Thirty dollars and Seventy cents (\$330.70)" be and the same is hereby appropriated out of the Treasury of this State for the purpose of paying the claim of Dr. Henry Marshall for services rendered in making twenty professional visits and inoculating eight hundred and forty-six head of horses and cattle, and the State Treasurer is hereby authorized and directed to pay the same.

\$330.70 to be paid Dr. Henry Marshall for service in anthrax contagion.

Approved, March 2, A. D. 1905.

CHAPTER 24.

OF PUBLIC REVENUE.

AN ACT appropriating certain money out of the State Treasury to pay the claim of J. R. Kuhns, V. S. for professional services.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the sum of Seventy-one dollars (\$71.00) be and the same is hereby appropriated out of the Treasury of the State for the purpose of paying the claim of J. R. Kuhns, V.S. for services rendered in making eleven professional calls and holding two post-mortems, and the State Treasurer is hereby authorized and directed to pay the same.

\$71.00 to be paid J. R. Kuhns, V. S., for service in anthrax contagion.

Approved, March 9, A. D. 1905.

OF PUBLIC REVENUE.

CHAPTER 25.

OF PUBLIC REVENUE.

AN ACT to appropriate certain money out of the State Treasury to pay the claim of Dr. J. R. Kuhns and Dr. H. B. McDowell for inoculating twenty-seven hundred and ten head of horses and cattle.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

\$1219.50 to be paid Dr. J. R. Kuhns for services in anthrax contagion.

Section 1. That the sum of Twelve Hundred and Nineteen dollars and Fifty cents (\$1219.50) be and the same is hereby appropriated out of the Treasury of the State for the purpose of paying the claim of Dr. J. R. Kuhns and Dr. H. B. McDowell for inoculating twenty-seven hundred and ten head of horses and cattle at forty-five cents per head, and the State Treasurer is hereby authorized and directed to pay the same.

Approved, March 10, A. D. 1905.

CHAPTER 26.

OF PUBLIC REVENUE.

AN ACT appropriating certain money out of the State Treasury of this State to pay the claim of John Behen, Jr. & Co., for fuel.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Claim for fuel furnished by John Behen, Jr. & Co.

Section 1. That the sum of Two Hundred and Nineteen dollars (\$219.00) is hereby appropriated out of the Treasury of this State for the purpose of paying the claim of John Behen, Jr. & Co., for fuel, and the State Treasurer is hereby authorized and directed to pay the same.

Approved, March 16, A. D. 1905.

OF PUBLIC REVENUE.

CHAPTER 27.

OF PUBLIC REVENUE.

AN ACT appropriating certain money out of the State Treasury of this State to pay the claim of George W. Baker for fuel.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the sum of Three Hundred and Ninety dollars and Eighty-one cents (\$390.81) is hereby appropriated out of the Treasury of this State of the purpose of paying the claim of George W. Baker for fuel, and the State Treasurer is hereby authorized and directed to pay the same.

Appropriation
for fuel to Geo.
W. Baker.

Approved, March 16, A. D. 1905.

CHAPTER 28.

OF PUBLIC REVENUE.

AN ACT to appropriate certain money out of the State Treasury to pay the claim of Andrew S. Eliason, Elias N. Moore and Benjamin A. Groves, County School Commissioners for New Castle County, for services rendered the State in the building and repairing of School Houses for Colored Children in New Castle County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the sum of Four Hundred and Fifty dollars be and the same is hereby appropriated out of the State Treasury for the purpose of paying the claim of Andrew S. Eliason, Elias N. Moore and Benjamin A. Groves, for services rendered the State in building and repairing twenty-two school houses for colored children in New Castle county during the last six years.

\$450 to be paid
Andrew S. Eli-
ason, Elias N.
Moore and
Benjamin A.
Groves for ser-
vices building
colored school
houses.

Approved, March 21, A. D. 1905.

OF PUBLIC REVENUE.

CHAPTER 29.

OF PUBLIC REVENUE.

AN ACT authorising the State Treasurer of the State of Delaware to pay Stansbury J. Wheatley, late Prothonotary of Sussex County, for certain Volumes of Laws of Delaware, furnished the Legislative Sessions of 1901 and 1903.

Preamble.

Whereas, Stansbury J. Wheatley, the then prothonotary of Sussex County, by virtue of resolution adopted by the Senate and House of Representatives of the General Assembly of the State of Delaware, at the sessions thereof held in the years 1901 and 1903 respectively, supplied the House of Representatives with 35 copies of Volume 19, 4 copies of Volume 20, and 15 copies of Volume 21, Laws of Delaware, and the Senate with 31 copies of Volume 20 and 21 copies of Volume 21 Laws of Delaware, for which he has received no compensation, but for which he will have to account to the State Treasurer; therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

\$214 to be paid
S. J. Wheatley
for copies of
Laws furnished
Legislature.

Section 1. That the State Treasurer be and he is hereby authorized and directed to pay to Stansbury J. Wheatley, the sum of Two Hundred and Fourteen dollars in payment for 107 copies of the Laws of Delaware supplied the Legislature at the sessions thereof in the years 1901 and 1903, by virtue of resolutions of the respective Houses thereof.

Section 2. That this Act shall be deemed and taken to be a public Act.

Approved, April 3, A. D. 1905.

OF PUBLIC REVENUE.

CHAPTER 30.

OF PUBLIC REVENUE.

AN ACT authorizing the State Treasurer to deposit to the credit of the School Commissioners of District No. 149 in Kent County, for the use of the District, certain moneys to which the said District is entitled under the apportionment of school dividends.

Whereas, The school officers in District No. 149 in Kent County failed, during the years 1902 and 1903, to comply with the school law, in neglecting to levy and collect the taxes and keep their school open the required number of days, and by reason of said non-compliance with the law, no dividend was allowed or deposited to the credit of said District for the said school years; . Preamble.

And Whereas, The people of said District at the stated election in 1904 levied and collected the fifty dollar tax as required by law, and have opened their school, believing the State will allow said District the sum equal to the annual dividend; Preamble.

Now Therefore,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That the State Treasurer be and he is hereby authorized, empowered and directed to deposit in the Farmers' Bank to the credit of the School Commissioners now holding office as School Commissioners in District No. 149 in Kent County, for the use of the District, as by law directed, the sum of Two Hundred and Nineteen dollars and Seventeen cents (\$219.17) out of any money now being in his hands as State Treasurer. State Treasurer authorized to credit School District 149, Kent County, \$219.17.

Section 2. That the said sum of Two Hundred and Nineteen dollars and Seventeen cents, be and the same is hereby expressly appropriated and set apart out of any moneys now being in the hands of the State Treasurer, for the purposes mentioned in Section 1 of this Act. Fund appropriated out of General Fund.

Section 3. This Act shall be taken and deemed to be a public Act.

Approved, March 14, A. D. 1905.

OF PUBLIC REVENUE.

CHAPTER 31.

OF PUBLIC REVENUE.

AN ACT authorizing the State Treasurer to pay over to the School Commissioners of District Number 98, in Sussex County, for the use of the District, certain moneys to which said District is entitled under the apportionment of School Dividends.

Preamble. Whereas, By the neglect and refusal of the Clerk of School District Number 98 in Sussex County to submit the accounts of said District to the State Auditor no dividend was allowed or paid said District for the year 1904;

Preamble. And Whereas, The said Clerk of said District Number 98 in Sussex County, through malice and pique made no attempt to collect the tax;

Preamble. And Whereas, The people of said District have levied the amount of tax required by law to be levied, and are conducting the school, believing the State will allow said District the sum equal to the annual dividend;

Now therefore, be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

State Treasurer authorized to pay School District No. 98, Sussex County, school dividend lost by failure of clerk to make settlement with State Auditor.

Section 1. That the State Treasurer be and he is hereby authorized, empowered and directed to pay over to the School Commissioners now holding office as School Commissioners of District Number 98 in Sussex County, for the use of the District the sum of Two Hundred and Nineteen dollars and Seventy cents (\$219.70) out of any moneys now being in his hands as State Treasurer.

Said fund appropriated out of General Fund.

Section 2. That the said sum of Two Hundred and Nineteen dollars and Seventy cents be and the same is hereby expressly appropriated and set apart out of any moneys now being in the hands of the State Treasurer for the purposes mentioned in Section 1 of this Act.

Section 3. This Act shall be deemed and taken to be a public Act.

Approved, March 2, A. D. 1905.

OF PUBLIC REVENUE.

CHAPTER 32.

OF PUBLIC REVENUE.

AN ACT to amend Chapter 281, Volume 19, Laws of Delaware entitled "An Act to encourage Horticulture," passed at Dover May 14, 1891, by increasing the annual appropriation to be paid to the Peninsula Horticultural Society.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That Chapter 281, Volume 19, Laws of Delaware, entitled "An Act to Encourage Horticulture" passed at Dover, May 14, 1891, be and the same is hereby amended by striking out the word "three" in the first line of Section 1 of said Act, and inserting in lieu thereof the word "five."

Chapter 281,
Volume 19
amended
increasing.

Approved, April 6, A. D. 1905.

CHAPTER 33.

OF PUBLIC REVENUE.

AN ACT appropriating Five hundred dollars to defray expenses of heating, lighting and repairing the State House.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That there is hereby annually appropriated out of any moneys in the General Fund not otherwise appropriated, the sum of Five Hundred dollars, or so much thereof as may be necessary, to defray the expenses for heating, lighting and repairing the State House; and that the State Treasurer be and he is hereby authorized to pay all bills for said expenses of heat, light and repairs upon order of the State Librarian.

\$500 for heating,
lighting and
repairing
State House.

Approved, March 16, A. D. 1905.

OF PUBLIC REVENUE.

CHAPTER 34.

OF PUBLIC REVENUE.

AN ACT to provide for the Re-payment to the Levy Court Commissioners of New Castle County certain money paid to the State of Delaware under the Adams Tax Law.

Preamble.

Whereas, Pursuant to the provisions and requirements of Section 11, of Chapter 25, Volume 21, Laws of Delaware, being "An Act to Equalize Taxation for State and County purposes," sundry sums of money aggregating Three Thousand Two Hundred and Seventy-two dollars and Ninety-six cents (\$3272.96) were paid by the Receiver of Taxes of New Castle County to the State Treasurer for the use of the State of Delaware and same being one-third of the amount of taxes levied and collected on investments under the said Act; and

Preamble.

Whereas, The Courts of the State of Delaware have declared the said Law to be unconstitutional and therefore null and void; and

Preamble.

Whereas, The Levy Court Commissioners of New Castle County have refunded to the respective tax-payers the respective amounts paid by them under and pursuant to the said law; therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Appropriation
to re-imburse
Sussex County.

That the said State Treasurer be and is hereby directed to pay to the Levy Court Commissioners of New Castle County the sum of Three Thousand Two Hundred and Seventy-two dollars and Ninety-six cents (\$3272.96) out of any funds in his hands not otherwise appropriated.

Approved, April 3, A. D. 1905.

OF PUBLIC REVENUE.

CHAPTER 35.

OF PUBLIC REVENUE.

"AN ACT to re-imburse the National Guard for certain moneys paid into the State Treasury."

Whereas, In the mustering out of the First Delaware Volunteer Infantry after the war with Spain, there were certain damages done to the Armory and furniture of the First Delaware Volunteer Infantry, in the City of Wilmington, Delaware, Preamble.

Whereas, The Adjutant General of the State of Delaware made demand upon the Quartermaster General of the United States Army for re-imbursement for such damage, Preamble.

Whereas, Walter S. Alexander, First Lieutenant, Fourth United States Artillery, A. A. Q. M., was appointed by Major E. A. Van Andrus, chief mustering officer for Delaware Volunteers, to make an inspection of the Armory and its furniture, and submit the result thereof, and an estimate of damages and deterioration, Preamble.

Whereas, Walter S. Alexander reported to the said Major E. A. Van Andrus, the amount of such damage was six hundred and twenty-five dollars and eighty-five cents, Preamble.

Whereas, The Treasurer of the United States under date of September 11th 1902, drew his War Warrant No. 2061 for the sum of six hundred and twenty-five dollars and eighty-five cents, which said sum was paid to the Treasurer of the State of Delaware. Preamble.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each House concurring therein:)

Section 1. That the State Treasurer pay the said sum of six hundred and twenty-five dollars and eighty-five cents upon the warrants of the Governor of the State of Delaware to the said State Treasurer, said warrants to be drawn by him to the order of the Adjutant General of the State of Delaware, State Treasurer to pay on warrant of Governor \$625.85 to Adjutant General.

OF PUBLIC REVENUE.

Adjutant General to apply funds.

to be applied by the Adjutant General in payment of the losses and damages appearing in the report of Walter S. Alexander, First Lieutenant, Fourth United States Artillery, A. A. Q. M., amounting to the said sum of six hundred and twenty-five dollars and eighty-five cents.

Approved, April 3, A. D. 1905.

CHAPTER 36.

OF PUBLIC REVENUE.

AN ACT appropriating certain money out of the State Treasury to pay for the Construction of certain roads under the Provisions of the Good Roads Act.

Preamble. Whereas, Acting under the provisions of Chapter 380, Volume 22, Laws of Delaware being "An Act to Provide for the Permanent Improvement of the Public Highways in the State of Delaware," contracts were entered into, by and between the Levy Court of New Castle County and Stewart & Donohoe for the construction and improvement of a portion of the roads between Elsmere and Marshallton and between Middletown and Odessa; and

Preamble. Whereas, The applications, specifications and contracts for the improvement to both of the said roads were approved by all the members of the State Highway Commission and the Levy Court of New Castle County; and

Preamble. Whereas, The said Act provides for a payment by the State of one-half of the cost of the roads constructed or improved under its provisions, but it being contended that the Act appropriating money to carry out the provisions of the said Good Roads Act does not conform or harmonize with that Act; and

Preamble. Whereas, the question as to the lack of conformity or harmony between the two Acts was not raised until after the said

OF PUBLIC REVENUE.

contracts and roads had been made and completed in good faith; and

Whereas, There remains and is due and unpaid to the said Preamble. contractors on account of the one-half of the contract price of the Elsmere road a balance of Two Hundred and Fifty-three dollars and Fifty-one cents (\$253.51) and Six Hundred and Seventy-seven dollars and Fifty-six cents (\$677.56), which represents one-half of the five per cent of the contract price of the Elsmere road required by the said Good Roads Act to be retained for one year, and on account of the Middletown and Odessa road Nine Thousand Seven Hundred and Thirty-seven dollars and Fifty cents (\$9,737.50), being one-half of Ninety-five per cent of the contract price, and Five Hundred and Twelve dollars and Fifty cents (\$512.50), being one-half of the five per cent of the contract price, required by the said Good Roads Act to be retained for one year, all of which making a total of Eleven Thousand One Hundred and Eighty-one dollars and Seven cents (\$11,181.07); and

Whereas, There reverted to the State Treasury an unap- Preamble. propriated balance of Thirty-six Thousand Five Hundred and Eighteen dollars and Twenty-five cents (\$36,518.25) of the appropriations made by the last General Assembly to carry out the provisions of the said Act to provide for the permanent improvement of the public highways; now therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the sum of Eleven Thousand One Hundred and Eighty-one Dollars and Seven Cents (\$11,181.07) be and the same is hereby appropriated to pay Stewart & Donahoe, the said contractors, and the State Treasurer be and he is hereby authorized to pay the amount so appropriated to the said contractors on a warrant or warrants drawn by the Levy Court of New Castle County out of any moneys in the Treasury to the credit of the General Fund not otherwise appropriated "when and as soon as the Superior Court of the State of Delaware renders a decision to the effect that under the law above referred to, New Castle County would under any conditions, provided in the said Act

\$11,181.07 to be paid Stewart & Donahoe upon certain conditions.

OF PUBLIC REVENUE.

be entitled to more than one-third of the total appropriation made by the General Assembly to carry out the provisions of the said Act."

State Treasurer
authorized to
take necessary
steps to ascertain
liability of
State.

Section 2. The State Treasurer is hereby authorized and directed to take such steps as may be necessary either alone or co-operating with Hamilton Stewart and Michael Donahoe, trading as Stewart & Donahoe, the contractors above referred to, to obtain from the Superior Court of the State of Delaware an interpretation of the law above referred to, and a decision as to the right of any one County to claim more than one-third of the total appropriations made by the last General Assembly to carry out the provisions of the said "Act to Provide for the Permanent Improvement of the Public Highways in the State of Delaware."

Approved, April 3, A. D. 1905.

CHAPTER 37.

OF PUBLIC REVENUE.

AN ACT in relation to all money appropriated by the State for Contingent Funds.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

State Treasurer
not to pay out
any contingent
fund except
upon warrants.

Section 1. That the State Treasurer is hereby authorized and directed to keep and retain in the State Treasury any and all monies appropriated by the State, to or for the contingent fund of any State Officer or State Board, until a warrant or warrants and voucher or vouchers shall be presented to him as hereinafter provided.

Section 2. That when any money shall be due any person, firm, or corporation, for the furnishing of goods, wares or

OF PUBLIC REVENUE.

merchandise, or the doing of any work or labor, upon the contract or order of any State Officer or State Board (and which ought to be paid for out of his or its annual contingent fund) it shall be the duty of the State Treasurer, upon the presentment to him of an itemized bill for the same, approved in writing by the State Auditor and the State Officer or Board which contracted for the same, together with a warrant drawn on the State Treasurer signed by said officer or Board, to examine every such bill, and, if he is satisfied with the correctness thereof, to pay the same out of the annual contingent fund, then in the Treasury, appropriated to and for the State Officer or Board, which contracted for the said articles furnished or work done. Upon the payment of any money, as provided in this Act, by the State Treasurer, he shall file and preserve in his office every such bill and warrant presented to him as aforesaid.

Warrant with itemized bill, approved by State Auditor, to be examined before payment by State Treasurer.

File and preserve such bill, etc. upon payment.

Section 3. That the State Treasurer shall not pay any such bill and warrant as is mentioned in this Act, when there is no money or monies sufficient, appropriated to the contingent fund out of which the same ought to be paid.

State Treasurer not to pay such bill when contingent fund exhausted.

Section 4. This act shall take effect immediately; and all laws, acts, or parts of laws or acts inconsistent with the provisions thereof are hereby repealed.

Act to take effect immediately.

Approved, March 23, A. D. 1905.

OF THE LEVY COURT.

CHAPTER 38.

OF THE LEVY COURT.

AN ACT in relation to the Levy Court of New Castle County.

Preamble.

Whereas, The General Assembly has passed an act entitled: "An Act Appropriating Certain Money out of the State Treasury to pay for the Construction of a certain road under the Provisions of the Good Roads Act," and the appropriation in said Act being conditioned upon the Superior Court of the State of Delaware deciding in favor of New Castle County a certain provision in the act entitled: "An Act to Provide for the Permanent Improvement of the Public Highways in the State of Delaware;" now therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Levy Court to
pay claim of
Stewart &
Donohoe, when.

Section 1. That if the said Superior Court decides the provision of the said Good Roads act against New Castle County, the Levy Court of New Castle County be and is hereby authorized and empowered to pay to the said Stewart and Donahoe the amount remaining due to them by and under the terms of the contracts existing between them and the said Levy Court and approved by the State Highway Commission.

Approved, April 6, A. D. 1905.

OF THE LEVY COURT.

CHAPTER 39.

OF THE LEVY COURT.

AN ACT to amend "An Act Relating to the Salaries of Levy Court Commissioners for New Castle County".

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Section 1 of Chapter 276, Volume 22, Laws of Delaware, being "An Act Relating to the Salaries of Levy Court Commissioners for New Castle County", be and the same is hereby amended by striking out the word "quarterly" in the third line and inserting in lieu thereof the word "monthly", and by striking out the word "Three" in the same line and inserting in lieu the word "One."

Section 1.
Chapter 276,
Volume 22,
amended to
make salary
payable
monthly.

Section 2. That all acts or parts of acts inconsistent with this Act be and the same are hereby repealed.

Approved March 2, A. D. 1905.

CHAPTER 40.

OF THE LEVY COURT.

AN ACT authorizing the Levy Court of New Castle County to pay to the "Homeopathic Hospital Association" of the City of Wilmington, a Corporation of the State of Delaware, a sum not to exceed Five Hundred Dollars in any one year for the care and support, nursing, medical and surgical treatment of certain persons who would otherwise become a charge on said County.

Whereas, The Homeopathic Hospital Association, a Corporation of the State of Delaware, has established and maintained for the past fourteen years a Hospital in the City of Wilmington and State of Delaware, wherein sick, infirm, injured or diseased persons are supported and nursed and receive medical and surgical treatment, and has also established and maintained a free dispensary;

Preamble.

And Whereas, A great number of the sick and injured patients so cared for by said Corporation come from the

Preamble

OF THE LEVY COURT.

County of New Castle and would necessarily be a charge on the public authorities so cared for;

Preamble. And Whereas, Free service is given to those unable to pay for the same;

Preamble. And Whereas, The County of New Castle is prohibited by the express terms of the Constitution from making appropriation to private Corporations;

Preamble. And Whereas, The demand on the Hospital for free service from patients received from New Castle County, who would otherwise have to be cared for by the public authorities have so increased its work that the expenses greatly exceed its income;

Preamble. And Whereas, The work accomplished by the Corporation has been carried on principally by charitable bequests and legacies and by voluntary contributions from private persons;

Preamble. And Whereas, Unless relief is given the Hospital will be compelled to curtail its work and refuse free service in excess of its income;

Preamble. And Whereas, The Levy Court of New Castle County recognizing the value of the Hospital, formerly appropriated Five Hundred dollars annually for its support;

Preamble. And Whereas, The General Assembly recognizing the importance of the work performed, and desirous of giving proper encouragement to said efforts to do good, and believing that the public authorities should in justice pay for the work performed in behalf of the tax payers, and for the cost of which they are relieved and so benefitted;

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Homeopathic
Hospital Association to be
paid for care
of certain persons by Levy
Court of New
Castle county.

Section 1. That the Levy Court of New Castle County be and it is hereby authorized and empowered to pay to the Homeopathic Hospital Association of the City of Wilmington, the sum of One dollar and twenty-five cents per day, for the care and support, nursing, medical and surgical treatment of each of such persons sent to and received in said

OF THE LEVY COURT.

Hospital from the County of New Castle, who would in their judgment, if not so received and cared for, be a charge on said County of New Castle, provided, however, that in no event shall a greater sum than Five Hundred dollars be paid in any one year to the said The Homeopathic Hospital Association.

Limit of sum
so to be paid
per annum.

Approved, March 16, A. D. 1905.

CHAPTER 41.

OF THE LEVY COURT.

AN ACT authorizing the Levy Court of New Castle County to pay to the Delaware Hospital in the City of Wilmington a sum not to exceed Five Hundred Dollars, in any one year, for the care and support, nursing, medical and surgical treatment of certain persons who would otherwise become a charge on said County.

Whereas, The Delaware Hospital, a Corporation of the State of Delaware, has established and maintained for the past fourteen years a Hospital in the City of Wilmington and State of Delaware, wherein sick, infirm, injured or diseased persons are supported and nursed and receive medical and surgical treatment, and has also established and maintained a free dispensary;

Preamble.

And Whereas, A great number of the sick and injured patients so cared for by said Corporation come from the County of New Castle and would necessarily be a charge on the public authorities unless so cared for;

Preamble.

And Whereas, Free service is given to those unable to pay for the same;

Preamble.

And Whereas, The County of New Castle is prohibited by the express terms of the Constitution from making appropriation to private Corporations;

Preamble.

OF THE LEVY COURT.

Preamble. And Whereas, The demand on the Hospital for free service from patients received from New Castle County, who would otherwise have to be cared for by the public authorities, have so increased its work that the expenses greatly exceed its income;

Preamble. And Whereas, The work accomplished by the Corporation has been carried on principally by charitable bequests and legacies and by voluntary contributions from private persons;

Preamble. And Whereas, Unless relief is given the Hospital will be compelled to curtail its work and refuse free service in excess of its income;

Preamble. And Whereas, The Levy Court of New Castle County recognizing the value of the Hospital, formerly appropriated Five Hundred dollars annually for its support;

Preamble. And Whereas, The General Assembly recognizing the importance of the work performed, and desirous of giving proper encouragement to said efforts to do good, and believing that the public authorities should in justice pay for the work performed in behalf of the tax payers, and for the cost of which they are relieved and so benefited;

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Delaware Hospital to be paid for care of certain persons by Levy Court of New Castle County.

Limit of sum to be paid per annum.

Section 1. That the Levy Court of New Castle County be and it is hereby authorized and empowered to pay to the Delaware Hospital a Corporation of the State of Delaware, located in the City of Wilmington, the sum of One dollar and twenty-five cents per day, for the care and support, nursing, medical and surgical treatment of each of such persons sent to and received in said Hospital from the County of New Castle, who would in their judgment, if not so received and cared for, be a charge on said County of New Castle, provided, however, that in no event shall a greater sum than Five Hundred dollars be paid in any one year to the said The Delaware Hospital.

Approved, March 16, A. D. 1905.

OF THE LEVY COURT.

CHAPTER 42.

OF THE LEVY COURT.

AN ACT to authorize the Levy Court of New Castle County to pay for the maintenance of persons committed to the Delaware Industrial School for Girls.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met ; (two-thirds of all the members of each House of the General Assembly concurring therein)

Section 1. That the Levy Court of New Castle County is hereby authorized and directed to pay to the Delaware Industrial School for Girls, a corporation of the State of Delaware, on the first day of each month, the sum of twenty-five cents per day for the maintenance and instruction of each person now in said school committed to the custody of said corporation by any Court, Judge or Justice of the Peace, in New Castle County, or who may hereafter be so committed, upon receiving from the Superintendent and Treasurer of the corporation a certificate of the number of persons so committed, who were in the said school during the preceding month, and the number of days the persons so committed were in said school, during the preceding month.

Levy Court of New Castle County authorized to pay for maintenance of certain persons in Delaware Industrial School for Girls.

Approved, March 27, A. D. 1905.

OF THE LEVY COURT.

CHAPTER 43.

OF THE LEVY COURT.

AN ACT to repeal Chapter 275 of Volume 22, Laws of Delaware, entitled "An Act authorizing the Levy Court Commissioners of New Castle County to refund the "New Castle County Workhouse Loan."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Chapter 275,
Volume 22,
repealed.

Section I. That Chapter 275 of Volume 22, Laws of Delaware, be and the same is hereby repealed.

Approved, April 3, A. D. 1905.

CHAPTER 44.

OF THE LEVY COURT.

AN ACT authorizing the Levy Court Commissioners of New Castle County to refund the Seventy-five Thousand Dollar Loan created by authority of Chapter 141, Volume 22, Laws of Delaware.

Preamble. Whereas, by an Act of the Legislature, approved at Dover March 2, A. D. 1901, the Levy Court of New Castle County was authorized and directed to borrow upon the credit of the County, not exceeding in the aggregate, Seventy-five Thousand dollars, for the purpose of completing the New Castle County Workhouse; and

Preamble. Whereas, pursuant to the provisions of said Act the amount of Seventy-five thousand dollars was borrowed upon the credit of said county and bonds of the County issued for that amount; and

OF THE LEVY COURT.

Whereas, by reason of an error or omission in the said Preamble. Acts in not providing some specific time when the said bonds would mature, the said bonds could not be made payable at the time intended by the said Board of Trustees, to wit, twenty years from the date of the said bonds; and

Whereas, it is deemed advisable by the said Board of Trustees that the said bonds should be refunded and a new loan issued; now therefore,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That for the purpose of refunding the Seventy-five Thousand dollar loan for the completion of the New Castle County Workhouse created by authority of Chapter 141 Volume 22 Laws of Delaware, the Levy Court of New Castle County is hereby authorized and directed to borrow upon the credit of the said County, the sum of Seventy-five Thousand dollars, and for such purpose shall issue certificates of indebtedness of such denomination and in such form as by the said Levy Court may be deemed most expedient. Such certificates shall bear date first day of July 1905, and shall be payable at the expiration of twenty years from the date thereof, and shall bear interest at the rate of four per centum per annum, payable semi-annually on the first days of January and July in each year. This loan shall be known as and form part of the "New Castle County Workhouse Loan", and each certificate shall bear upon its face the words "For the completion of the New Castle County Workhouse". This loan shall be kept separate and distinct from all other indebtedness of the County for the purpose of identification and liquidation as hereinafter provided. The money realized from the sale of the said certificates shall be paid to the said Board of Trustees, and the said Board of Trustees shall out of the money realized from the sale of the said certificates redeem the present outstanding loan of Seventy-five Thousand dollars issued under the authority of Chapter 141 Volume 22 Laws of Delaware, and shall have authority to commute the premiums paid in the purchase of the said present outstanding loan, the certificates of which shall be upon their redemption, cancelled and deposited with the Comptroller of New Castle County.

Levy Court of New Castle County authorized to borrow money to refund New Castle County Workhouse Loan.

Form of evidence of indebtedness.

When to be dated.

Rate per cent. per annum.

Known as New Castle County Workhouse Loan.

Fund arising from said loan to be paid to Board of Trustees of said Workhouse.

OF THE LEVY COURT.

Bond and interest, where payable.

Section 2. The said bonds, principal and interest shall be payable when due under the provisions of this Act, at the Farmers' Bank at Wilmington, Delaware, out of money from time to time appropriated for that purpose by the said Board of Trustees of the New Castle County Workhouse. The said Board is hereby authorized and directed to pay the interest on the said bonds to the said Farmers' Bank at Wilmington, when and as the same shall become due. For the purpose of liquidating the said loan, the Board of Trustees of the New Castle County Workhouse, is directed to create out of the net earnings of the Workhouse, a Sinking Fund, which is to be used for the express purpose of paying off the said loan of Seventy-five Thousand dollars at maturity.

Board of Trustees to create a Sinking Fund.

Approved, April 3, A. D. 1905.

CHAPTER 45.

OF THE LEVY COURT.

AN ACT authorizing and directing the Levy Court of New Castle County to borrow on the Credit of the County certain sums of money not exceeding One Hundred Thousand Dollars in order to provide for the additions to the New Castle County Workhouse.

Preamble

Whereas on account of the increased number of prisoners now in the New Castle County Workhouse and the growing demands made upon said Institution it has become necessary to erect additional buildings and to place additional cells in said Workhouse.

Preamble.

And Whereas in order to carry into effect said needed improvements it is necessary that authority be given the Levy Court of New Castle County to borrow an additional sum of money.

OF THE LEVY COURT.

Therefore be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. The Levy Court of New Castle County is hereby authorized and directed to borrow on the credit of the county, in order to provide for the additions to the New Castle County Workhouse, such sum or sums of money as may be necessary, and as may be directed by the said Board of Trustees of the New Castle County Workhouse, in addition to the sum of One Hundred and Seventy-five Thousand dollars heretofore directed to be borrowed under the Act entitled An Act "To establish the New Castle County Workhouse and the Act entitled An Act to provide for the completion of the New Castle County Workhouse, provided, that the said sum hereby authorized and directed to be borrowed shall not exceed in the aggregate the sum of one Hundred Thousand dollars, and for such purpose, shall issue Certificates of indebtedness, of such denomination and in such form as by the said Levy Court may be most expedient. Such certificates shall bear date first day of July 1905. They shall be payable on the first day of July 1930. They shall bear interest at a rate not exceeding four per centum per annum, payable semi-annually on the first day of January and July in each year.

Levy Court of New Castle County to borrow necessary sums of money to provide additions to New Castle County Workhouse.

Sums so to be borrowed not to exceed \$100,000.

Form of Bond.

This loan shall be known as and form part of the New Castle County Workhouse Loan. Each certificate shall bear upon its fact* the words "Loan for the additions to the New Castle County Workhouse". This Loan, together with the One hundred and Seventy-five Thousand Dollar Loan aforesaid shall be kept separate and distinct from all other indebtedness of the county, for the purpose of indentification. All money realized from the sale of the said certificates shall be paid to the said Board of Trustees, and by them shall be applied toward paying for the additions and furnishing of the said Workhouse. "The said Board is hereby authorized and directed to pay the interest on the said bonds to the Farmers' Bank at Wilmington, when and as the same shall become due."

Known as the New Castle County Workhouse Loan.

Funds arising from said loan to be paid to Board of Trustees aforesaid.

Approved, April 3, A. D. 1905.

*So Enrolled.

OF ASSESSORS.

CHAPTER 46.

OF ASSESSORS.

AN ACT to exempt certain lands and tenements of all non-sectarian, charitable Young Women's Christian Associations, from taxation for County purposes.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Property of
Charitable
Young Women's
Christian
Associations
exempt from
taxation.

Section 1. That lands and tenements of the value of Twenty-five Thousand dollars owned by any corporation or association maintained by charity in this State, which are used wholly or in part by non-sectarian, Charitable Young Women's Christian Associations, shall be and the same are hereby declared to be exempt from all taxes, assessments, burdens or impositions for County purposes.

Section 2. All Acts or parts of Acts inconsistent herewith are hereby repealed.

Approved, March 9, A. D. 1905.

OF ASSESSORS.

CHAPTER 47.

OF ASSESSORS.

AN ACT to exempt certain lands and tenements of all Charitable Day Nurseries for Babies, from Taxation for County purposes.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the lands and tenements to the value of Twenty-five thousand dollars owned by any corporation or association maintained by charity in this State, and used wholly or in part as Day Nurseries for Babies, shall be and the same are hereby declared to be exempt from all taxes, assessments, burdens or impositions whatsoever for county purposes.

Property of
charitable Day
Nurseries for
Babies exempt
from taxation.

Section 2. All Acts or parts of Acts inconsistent herewith are hereby repealed.

Approved, March 9, A. D. 1905.

OF ASSESSORS.

CHAPTER 48.

OF ASSESSORS.

AN ACT to Amend Chapter 282, Volume 22, Laws of Delaware, in Relation to Assessors.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Chapter 282,
Volume 22,
amended,
making salary
monthly.

Section 1. That Section 2 of Chapter 282, Volume 22, Laws of Delaware be and the same is hereby amended by striking out the word "quarterly" in the fifth line of said Section and inserting in lieu thereof the word "monthly."

Section 2. That all acts or parts of acts inconsistent with this Act be and the same are hereby repealed.

Approved, March 30, A. D. 1905.

CHAPTER 49.

OF ASSESSORS.

AN ACT to change the time of making assessments in Kent County, returning of same to the Levy Court, to change the time of appeals and of issuing duplicate and warrants to collectors.

Preamble. Whereas under the law, assessments are required to be made before the first day of January of the year in which said assessments are applicable, and

Preamble. Whereas many changes of property and of residence are made on or about January of each year, and

Preamble. Whereas having said assessments made before the said first day of January in any year is not and cannot be a correct

OF ASSESSORS.

assessment of the property and persons of the Districts which it purports to represent, on account of said removals and changes, therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Sec. 1. That on and after the passage of this Act it shall be lawful for the Assessors elected at any regular election held in Kent County for the election of State and County officers, or appointed under existing laws, to make the general and annual assessments for County purposes between the first day of January and the fifteenth day of February in every year to which such assessment is applicable for the purpose of County taxes for that year.

Assessment to be made between Jan. 1st and Feb. 15th.

Sec. 2. Every assessor shall complete the assessment of his District by the fifteenth day of February, and within five days thereafter post in five of the most public places in the Districts an alphabetical list of the names of persons assessed in that District, with the separate sums of their Real, Personal and Capitation amounts, and their Aggregate: and at the same time and place he shall give notice that he will attend at some public place in said District on the first Monday in March next ensuing from 10 o'clock A. M. till 5 o'clock P. M. to hear appeals, correct errors therein, and to assess persons or property omitted.

Notice of.

When to hear appeals and make corrections.

Sec. 3. The term District as herein used shall be taken to mean the whole Representative District, irrespective of the number of Election Districts therein it shall be construed to be one Assessment District, and the alphabetical list thereof shall include the whole of said District.

Assessment district, what is.

Sec. 4. Each assessor shall return his assessment to the Levy Court on the Second Tuesday in March and shall attend the Court on that day, and on such other days as the Levy Court may require, under a penalty of Twenty dollars to be recovered by Indictment.

Returned to Levy Court and Tuesday in March.

Sec. 5. The Levy Court of Kent County shall sit as a Court of Appeals on the second Tuesday in March in every year, and on such other days and times in said Month as it shall be necessary to adjourn to; and shall have all the powers

Levy Court, Court of Appeals, when.

OF ASSESSORS.

Clerk of Peace
to deliver du-
plicate of as-
sessment, when.

and perform all the duties under this Act as now by law provided. The said Levy Court shall on the first Tuesday in May in every year, cause to be issued to the collector of each District a duplicate of the assessment of the District of which he is collector, transcribed and certified by the Clerk of the Peace, with a warrant thereto annexed.

Confined to
Kent County.

Sec. 6. This Act shall be applicable to Kent County only.

Sec. 7. All Acts or parts of Acts inconsistent herewith, are hereby repealed.

Approved, March 16, A. D. 1905.

OF ASSESSORS.

CHAPTER 50.

OF ASSESSORS.

AN ACT to Amend Section 19 of Chapter 12 in the Revised Code of the Laws of Delaware in Reference to Certain Duties of the Collectors of the different Hundreds in New Castle County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That from and after the passage of this Act the "Collector" of Wilmington Hundred is hereby relieved of the duties provided in Section 19 of Chapter 12 in the Revised Code of the Laws of Delaware. Collector of Wilmington relieved of certain duty.

Section 2. That from and after the passage of this act the duties imposed upon the "Collector" in said Section 19 of Chapter 12 of the Revised Code are imposed upon and shall be performed by the several assessors of Wilmington Hundred, they to make out the list provided in the said Section for their respective representative or assessor districts. Assessors of Wilmington Hundred shall yearly, in May, make list of persons engaged in certain occupation.

Section 3. To compensate the assessors of Wilmington Hundred for the additional duties herein provided the Levy Court shall appropriate and pay to them the sum of Fifty dollars (\$50.00) annually within thirty days after the said lists have been prepared and delivered to the Clerk of the Peace of New Castle County. Compensation of Assessors therefor.

Approved, April 3, A. D. 1905.

OF COLLECTORS.

CHAPTER 51.

OF COLLECTORS.

AN ACT authorizing Horace G. Rettew, late Receiver of Taxes and County Treasurer of New Castle County, to collect the unpaid taxes on his duplicates for the years A. D. 1901, A. D. 1902, A. D. 1903 and A. D. 1904.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Late Receiver of Taxes and County Treasurer of New Castle County directed to collect all unpaid county taxes for years 1901, 1902, 1903 and 1904.

Section 1. That Horace G. Rettew, late Receiver of Taxes and County Treasurer for New Castle County, is hereby authorized and directed to collect all unpaid County taxes remaining due and unpaid on his tax duplicates for the years A. D. 1901, A. D. 1902, A. D. 1903 and A. D. 1904; that said Horace G. Rettew, for the purpose of collecting said taxes is hereby vested with all the powers and authority, and subjected to all the liabilities and duties provided in an Act of the General Assembly, entitled "An Act in Relation to the Collection of Taxes for New Castle County," passed at Dover, May 29, A. D. 1897, and printed beginning on page 2 of the Appendix in Vol. 20, Laws of Delaware; and that all such taxes so collected by the said Horace G. Rettew, shall be paid over to the County Treasurer of New Castle County, in the manner provided for in said Act of the General Assembly.

Funds collected to be paid over to County Treasurer of New Castle County.

Compensation.

Section 2. That the said Horace G. Rettew, shall be paid by the Levy Court of New Castle County for his services in collecting such unpaid taxes, five per centum of the amount so collected.

Approved, April 3, A. D. 1905.

OF COLLECTORS.

CHAPTER 52.

OF COLLECTORS.

AN ACT to abolish the offices of Collectors of Poll Taxes or Collectors of Capitation Taxes for the City of Wilmington, and to impose the duty of collecting the Capitation Taxes in the City of Wilmington upon the Receiver of Taxes for New Castle County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That for the purpose of abolishing the Collectors of Poll Taxes or Collectors of Capitation Taxes for the City of Wilmington Section II of "An Act in Relation to Collection of Taxes for New Castle County", published at Page 2 of the Appendix to Volume 20, Laws of Delaware, be and the same is hereby amended by striking out all of said Section after the word "Wilmington", in the sixth line, down to and inclusive of the word "district" in the nineteenth line; and to amend Section IV, of the said Act, by striking out all the words after the word "Wilmington" in the twelfth line, down to and inclusive of the word "Wilmington", in the thirteenth line of said Section; and to further amend said Act, by striking out all of Section VI, after the words "County Taxes" in the eighth line, down to and inclusive of the word "districts" in the tenth line; and to further amend said Act by striking out all of Section 36 after the word "Taxes" in the third line, down to and inclusive of the word "Wilmington" in the fourth line, and to strike out all of said Section 36 after the word "installments" in the tenth line.

Section 2, Volume 20, Appendix 2 amended, to abolish Collectors of Poll Tax, etc. for the City of Wilmington.

Section 4, Volume 20, amended.

Section 6, Volume 20, amended.

Section 36, Volume 20, amended.

Section 2. That Chapter 31, Volume 21, Laws of Delaware, being "An Act to amend an Act, entitled "An Act in relation to the Collection of Taxes for New Castle County", passed at Dover, May 29, 1897, as published at page 2 of the Appendix to Vol. 20, Laws of Delaware; being an "Act to provide for the Collection of Certain Taxes and to pay the expenses thereof", be and the same is hereby repealed.

Chapter 31, Volume 21, as published Appendix to Volume 20, repealed.

Section 3. The County Treasurer and Receiver of

OF COLLECTORS.

County Treas-
urer and
Receiver of
Taxes author-
ized to collect
capitation taxes
in Wilmington.

Taxes is hereby expressly authorized, empowered and directed to collect the Capitation Taxes for the City of Wilmington.

Section 4. That all acts or parts of acts inconsistent with this Act be and the same are hereby repealed.

Approved, March 30, A. D. 1905.

TITLE FOURTH.

Of Elections.

CHAPTER 53.

OF THE GENERAL ELECTION.

AN ACT providing for the submission to the qualified electors of the State of Delaware the question whether a system of Advisory Initiative and Advisory Referendum shall be established in this State.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That there shall be submitted to the qualified electors of this State, at the next general election to be held in the month of November, A. D., nineteen hundred and six, the following question.

Advisory Initiative and Advisory Referendum to be submitted to electors at general election in 1906.

"Shall the General Assembly of the State of Delaware provide a system of Advisory Initiative and Advisory Referendum?"

Section 2. It shall be the duty of the Clerks of the Peace of the several Counties of this State to have prepared a separate ballot in substantially the following form.

Duty of Clerk of Peace to prepare ballot

Form of Ballot.

Shall the General Assembly of the State of Delaware provide a system of Advisory Initiative and Advisory Referendum?

Form of ballot

Yes.

No.

OF THE GENERAL ELECTION.

Ballots, the number of and how furnished.

Section 3. The Clerks of the Peace of the several Counties of this State shall provide the same number of ballots in the foregoing form as are now required by law for the general election, and shall furnish the same in all respects as is now or may hereafter be provided for the furnishing of other ballots to be used in the said general election.

Qualified elector entitled to cast one ballot.

Section 4. Each person qualified to vote at the said general election shall be entitled to cast one ballot either for or against the said system, and all the provisions of law now existing shall apply to such qualified electors, and all punishments now provided by law shall be imposed with the same force and effect as if expressly included herein.

Method of marking ballot.

Section 5. At such general election any elector desiring to vote in the affirmative upon the question submitted in the said ballot shall place a cross opposite the word "yes" on said ballot, and any elector desiring to vote in the negative shall place a cross opposite the word "no."

Ballot boxes, how furnished.

Section 6. It shall be the duty of the persons now required by law in the several election districts of this State to furnish ballot boxes to be used at the said general election; to furnish a separate ballot box for each election district in this State, in which separate ballot box the ballots herein provided shall be cast and said ballots shall not be commingled with the other ballots used at such general election.

Ballot not mingled with other ballots used at general election.

Election officers, their duty to count ballots and make returns thereof.

Section 7. It shall be the duty of the election officers in each election district in this State to count the said ballots after the same have been cast, and to make return thereof in all respects as now provided by law in relation to ballots cast at the said general election, provided, however, that the number of ballots cast for or against the said question shall be kept upon separate sheets to be furnished by the Clerks of the Peace of the several Counties.

Certificate of state of vote, how made, returned, and delivered.

Section 8. It shall be the duty of the presiding officer of each election district to make out certificates, showing the result of the said vote, in the same manner as now provided by law in relation to certificates of the vote cast at the general election, which certificates shall be made, certified, returned and delivered in all respects as now provided by law in relation to the general election.

OF THE GENERAL ELECTION.

Section 9. The said votes shall be canvassed and the result ascertained by the Superior Court in and for each County of this State as provided in Section 6, Article 5 of the Constitution of this State, and the Superior Court in each County shall be clothed with, and shall exercise all of the powers in relation thereto as they now possess and exercise in relation to the canvassing and ascertaining of the votes cast at such general election.

Vote to be
canvassed by
Superior Court.

Section 10. The expense of printing ballots, procuring the ballot boxes, and all other expenses connected with the taking of the said vote shall be borne as is provided in relation to the other expenses incurred for the general election.

Expenses inci-
dent to election,
how paid.

Approved, April 18, A. D. 1905.

OF THE GENERAL ELECTION.

CHAPTER 54.

OF THE GENERAL ELECTION.

AN ACT to establish the voting place of the Third Election District of the Tenth Representative District, in New Castle Hundred, New Castle County, Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Establishing
voting place
for Third Elec-
tion District of
Tenth Repre-
sentative Dis-
trict, New
Castle County.

Section 1. That from and after the passage of this Act the voting place for all elections to be held in the western election district of New Castle Hundred, known as the Third Election District of the Tenth Representative District of New Castle County, Delaware, shall be at the Store situate on the north-west corner of Ninth Street and Washington Avenue of the municipality of New Castle.

Section 2. This Act shall be deemed and taken to be a public Act.

Approved, March 16, A. D. 1905.

OF THE GENERAL ELECTION.

CHAPTER 55.

OF THE GENERAL ELECTION.

AN ACT designating the voting place in the First Election District of Representative District Number Six of Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That after this Act becomes a law, every general and special election held in the First Election District of Representative District Number Six of Sussex County, shall be held at the times and in the manner fixed by law at or within a radius of one-half mile from "Marvel's Old Tan Yard" in the County and District aforesaid, and in the building owned by Geo. W. Marvel, or any other suitable building within the above boundary.

Establishing
voting place
for First Elec-
tion District of
Sixth Represent-
ative District
in Sussex
County.

Approved, March 2, A. D. 1905.

OF THE GENERAL ELECTION.

CHAPTER 56.

OF THE GENERAL ELECTION.

AN ACT amending Section 16 of Chapter 36 of Volume 21 of the Laws of Delaware relating to appeals from the Decisions of the Registrars.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 16,
Chapter 36,
Volume 21,
amended rela-
tive to time of
holding appeals
from decision
of Registrars.

Section 1. That Section 16 of Chapter 36 of Volume 21 of the Laws of Delaware is hereby amended by striking out the words "Thursday next following the third Saturday of August" in the fourteenth line of said Section, and inserting in lieu thereof the words "the first Tuesday in September"; and by striking out the words "the Tuesday next following" in the twenty-third and twenty-fourth lines of said Section, and inserting in lieu thereof the words "the first Monday after the fourth Saturday in September"; and by striking out the words "the previous week" in the twenty-fifth and twenty-sixth lines of said Section; and by striking out all between the word "provided" in the forty-ninth line of said Section and the word "unless" in the fifty-fourth line of said Section, and inserting in lieu thereof the words "that appeals from the decisions of the registration officers made on the first, second, third or fourth registration day shall not be received on the third or fourth appeal day."

Approved, March 20, A. D. 1905.

OF ELECTIONS IN THE CITY OF WILMINGTON.

CHAPTER 57.

OF ELECTIONS IN THE CITY OF WILMINGTON.

AN ACT to amend Section 17 of Chapter 18 of the Revised Code of 1893, by providing for the opening of the General Election in the City of Wilmington, between seven and seven-thirty o'clock in the morning.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That Section 17 of Chapter 18 of the Laws of Delaware as published in the Revised Code of 1893 be and the same is hereby amended by striking out the period at the end of said Section and inserting the following: "Provided that in the City of Wilmington the general election shall be opened between seven and seven thirty o'clock in the morning."

Section 17,
Chapter 18,
Revised Code,
1893, amended
relative to time
of opening
polls in
Wilmington.

Approved, March 20, A. D. 1905.

TITLE FIFTH.

Of Certain Public Officers.

CHAPTER 58.

GENERAL PROVISIONS.

AN ACT authorizing the appointment of a Joint Committee of two on the part of the Senate and three on the part of the House to settle with the State Treasurer, Auditor of Accounts, Secretary of State, Insurance Commissioner, and Clerks of the Senate and House of Representatives, at a meeting to be held on the third Tuesday of January 1906, authorizing the employment of expert assistance, and the payment of the expenses of said session of said Committee.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Joint Committee of five: two from Senate and three from House.

Meet at Dover, when.

Duty of said Committee.

Section 1. That a Joint Committee of five be appointed on the part of the General Assembly to consist of the following: Two members of the Senate and Three members of the House of Representatives, who shall be appointed respectively by the President of the Senate and the Speaker of the House of Representatives. Said Committee shall meet at Dover on the third Tuesday of January 1906.

Section 2. That it shall be the duty of the said Committee to settle all accounts of the State Treasurer, to settle with the Librarian, to receive the reports of the Auditor of Accounts for the current year, to receive the report and settle all accounts of the Insurance Commissioner, audit the accounts of the Clerk of the Senate and Clerk of the House of Representatives for the printing of the Journals of the Houses of the Legislature, of the present session and making indices thereto, and to audit the account of the Secretary of State

GENERAL PROVISIONS.

for State taxes and other moneys received by him for the State.

Section 3. That it shall be the duty of the said Committee to cause a statement of their settlement with the said officers under their hands, or a majority of them, to be published in two newspapers printed in the State for the space of one month from the time of effecting the same.

Report of said Committee to be published.

Section 4. That said Committee be and is hereby authorized to employ expert assistance in making said settlements.

May employ experts.

Section 5. That the said Committee shall receive the same compensation as members of the General Assembly, to be paid by the State Treasurer, upon orders drawn by the Chairman of the said Committee out of any money in the hands of said State Treasurer not otherwise appropriated, and the Chairman of said Committee shall have authority to draw orders for the incidental expenses arising out of the session of said Committee and for the appropriations or allowances made by said Committee to be paid in like manner: Provided, However, that the amount to be expended by said Committee shall not exceed the sum of One Thousand dollars.

Compensation.

Incidental expenses, how paid.

Amount to be expended, limited.

Section 6. That the sum of One Thousand dollars is hereby expressly appropriated to said Committee to be used by it in defraying the expenses of the session of said Committee, and the State Treasurer is hereby directed to pay said sum of money, upon the warrant of the Chairman of said Committee, out of any money in the treasury not heretofore appropriated to any other purpose.

\$1000 appropriated to carry into effect this Act.

Approved, March 16, A. D. 1905.

OF SALARIES.

CHAPTER 59.

OF SALARIES.

AN ACT to amend Section 2, Chapter 115, Volume 21, Laws of Delaware, entitled "An Act to provide for a Stenographer for certain Courts of the State", approved June 16, 1898, by increasing the salary of said Stenographer.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 2,
Chapter 115,
Volume 21,
amended,
increasing sal-
ary of Court
Stenographer.

That Section 2 of the Act entitled "An Act to Provide for a Stenographer for certain Courts of the State," being Chapter 115, Volume 21, Laws of Delaware, be and the same is hereby amended by striking out, after the word "exceeding" in the sixth line of said Section and before the word "dollars" in the seventh line of the same Section, the words "fifteen hundred," and inserting in lieu thereof the words "two thousand."

Approved, March 21, A. D. 1905.

OF SALARIES.

CHAPTER 60.

OF SALARIES.

AN ACT requiring and enforcing payment to the County Treasurer of all fees of certain offices, regulating accounts of fees and audits thereof, and fixing the compensation of such County Officers and of their Deputies and Clerks.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That on and after the expiration of the terms of office of the following county officers in each of the counties of this State, to wit, Clerks of the Peace, Sheriffs, Coroners, Prothonotaries, Records, Registers of Wills, Registers in Chancery, Clerks of the Orphans Court and Sealers of Weights and Measures, all the fees, costs, allowances and other perquisites which may thereafter be taxable and paid to any person holding any of said offices for any official service rendered by any of the above named officers, shall be for the sole use of the County of such officer, and when received shall be paid to the county treasurer of the county of such officer; but this Section shall not apply to any fees, costs, allowances or other perquisites due to any predecessor in office for any official service rendered by such predecessor prior to the time when this Act shall take effect.

Fees now due certain county officers, to be for the use of county, when.

To whom such fees payable.

Exceptions.

Section 2. That every Clerk of the Peace, Sheriff, Coroner, Prothonotary, Recorder, Register of Wills, Register in Chancery, Clerk of the Orphans Court and Sealers of Weights and Measures, in each of the counties of the State shall, after the time aforesaid, collect all fees, costs and allowances by law taxable by or payable to such officer without any deduction, abatement or remission; except fees; costs and allowances payable by the county of such officers and shall keep in a properly indexed book, to be known as a "Fee Book", provided by the County, an itemized account showing the amount of each fee, item of cost and allowance by law taxable by or payable to such officer and the service for which the same was rendered or charged, the date of

Certain county officers to collect such fees.

Fee Book, to contain what.

OF SALARIES.

payment and the name of the person paying the same; and on the first secular day in each and every month shall file with the county treasurer and with the Levy Court of his county an account of all fees, costs and allowances received by him in the preceding month, which account shall be so itemized that they may be compared with the fees, costs and allowances as entered in the said Fee Book, and the correctness of the accounts so rendered shall be verified by the affidavit of the officer rendering the same; and each of said officers shall also, on the first secular day in each month, pay over to the said county treasurer all the fees, costs and allowances so received from any source, which shall be payable to the county treasurer as hereinabove provided, but this Section shall not require the payment to the county treasurer of any fees, costs and allowances received for any official service rendered by any other officer than those named in this Section.

Duly verified
account of fees,
when filed.

Fees, when
and to whom
paid.

Exceptions.

Said county
officers liable
on their bond
for such fees.

Condition of
bond.

Breach of bond,
how proceeded
upon.

Fees defined.

Audit of
account of fees,
etc. in New
Castle County.

Section 3. That the said county officers mentioned in Section 1 of this Act, and each of them, shall be, and they are hereby made, liable upon their respective official bonds for the payment to the county treasurer of the county of such officer of all the fees which they shall collect respectively; and all the official bonds to be entered into by them shall contain the following additional condition: "and if the said shall truly and without delay pay over to the county treasurer all the fees which it shall be his duty to collect and which are to be paid to the county treasurer." The Levy Court of each county shall cause proceedings to be brought on any of said bonds for the breach of the foregoing condition for the recovery of the penalty therein.

Section 4. That the fees mentioned in Sections 2 and 3 hereof to be collected by the several officers therein mentioned, shall be all fees mentioned and set forth in Chapter 125 of the Revised Code of the State of Delaware as amended, and all other fees now by law payable or to become payable to such several officers.

Section 5. That the county comptroller of New Castle County shall, during the months of January and July in each year, audit, inspect and examine the books, accounts, papers, records and dockets of the several county officers of New

OF SALARIES.

Castle County mentioned in the first Section of this Act, and ascertain the amounts due to the county in fees; and he shall during the months aforesaid, report in writing to the Levy Court, which shall cause the same to be entered at large upon their minutes and published in pamphlet form for distribution.

Report of audit

Section 6. The county treasurer of Kent and Sussex Counties shall, during the months of January and July in each year, audit, inspect and examine the books, accounts, papers, records and dockets of the several county officers mentioned in the first Section of this Act, in their respective counties and ascertaining the amounts due the county in fees; and he shall, during the months aforesaid, report in writing to the Levy Court, of his county which shall cause the same to be entered at large upon their minutes and published in pamphlet form for distribution.

Audit of account of fees, etc. in Kent and Sussex Counties.

Report.

Section 7. That on and after the expiration of the terms of office of the following county officers in each of the counties in this State, namely Clerks of the Peace, Sheriffs, Coroners, Prothonotaries, Recorders, Registers of Wills, Registers in Chancery and Clerks of the Orphans Court, the said officers shall be paid, in lieu of all fees, costs, allowances, perquisites and other compensation of every kind for performing every and all the services, acts and duties of their respective offices, a sum equal to ten per centum of all fees and costs paid by them respectively to the county treasurer of their respective counties as hereinabove provided and required, and also the following annual salaries, payable in equal monthly installments by the county treasurer of their respective counties, namely, in New Castle County the Clerk of the Peace shall receive Four Thousand dollars; the sheriff, Three Thousand and Six Hundred dollars; the Coroner, One Thousand and Two Hundred dollars; the Prothonotary, Three Thousand and Six Hundred dollars; the Recorder, Three Thousand and Six Hundred dollars; the Register of Wills, Three Thousand and Six Hundred dollars; the Register in Chancery, One Thousand and Five Hundred dollars and the Clerk of the Orphans Court, One Thousand and Five Hundred dollars.

Compensation of certain officers.

In New Castle County.
Clerk of Peace.
Sheriff.
Coroner.
Prothonotary.
Recorder.
Register of Wills.
Register in Chancery.
Clerk of Orphans' Court.

In Kent County the Clerk of the Peace shall receive One

In Kent County

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Clerk of Peace. Thousand and Eight Hundred dollars; the Sheriff, Two
 Sheriff. Thousand dollars; the Coroner, One Thousand dollars; the
 Coroner. Prothonotary, One Thousand and Five Hundred dollars; the
 Prothonotary. Recorder, One Thousand and Five Hundred dollars; the
 Recorder. Register of Wills, One Thousand and Five Hundred dollars;
 Register of Wills. the Register in Chancery, Five Hundred dollars and the
 Register in Chancery. Clerk of the Orphans Court, Five Hundred dollars.
 Clerk of Orphans' Court.

In Sussex County, Clerk of Peace. One Thousand and Eight Hundred dollars; the Sheriff, Two
 Sheriff. Thousand dollars; the Coroner, Six Hundred dollars; the
 Coroner. Prothonotary, One Thousand and Five Hundred dollars; the
 Prothonotary. Recorder, One Thousand and Five Hundred dollars; the
 Recorder. Register of Wills, One Thousand and Five Hundred dollars;
 Register of Wills. the Register in Chancery, Five Hundred dollars and the
 Register in Chancery. Clerk of the Orphans Court, Five Hundred dollars.
 Clerk of Orphans' Court.

Deputies. Section 8. That the officers mentioned in the first Section of this Act may select and employ deputies and Clerks to assist them in the performance of the duties of their offices respectively at the following annual salaries, namely:

In New Castle County. In New Castle County the Clerk of the Peace may select and employ one deputy at a salary of One Thousand and Two Hundred dollars; and three clerks, each at a salary of Six Hundred dollars; the Sheriff, three deputies, one at a salary of Eight Hundred dollars and two at Six Hundred dollars each; the Coroner, one deputy at a salary of Five Hundred dollars; the Prothonotary, one deputy at a salary of One Thousand dollars; the Recorder, one deputy at a salary of One Thousand dollars and four clerks, each at a salary of Six Hundred dollars; the Register of Wills one deputy at a salary of One Thousand dollars and one clerk at a salary of Six Hundred dollars; the Register in Chancery and Clerk of the Orphans Court may select and employ a deputy at a salary of Six Hundred dollars.

In Kent and Sussex Counties. In Kent County and in Sussex County each of said officers, excepting the Coroner, enumerated in this Section, may select and employ one deputy at a salary of Six Hundred dollars.

Salaries of deputies, etc. Payable monthly. Section 9. That the salaries of such deputies and clerks shall be paid to them by the county treasurer in equal

OF SALARIES.

monthly installments upon the certificate in writing of the officer employing them, that they have faithfully performed their duties during the preceding month.

Section 10. That all such deputies and clerks shall be under the control of the officer by whom they are selected and employed, who shall have the right to discharge any such deputy or clerk at any time, and be responsible for all the official acts, neglects and defaults of all such deputies and clerks as he may employ.

Deputies under control of officer appointing.

Section 11. That if any of said officers mentioned in the first Section hereof shall fail, neglect or refuse for ten days to pay over, as herein required, all such fees, costs, allowances and prerequisites as he shall receive and collect for use of the County of such officer, or shall fail to collect the fees required to be paid by law, or shall demand or receive from any person any fee or allowance greater than is provided by law, he shall be guilty of a misdemeanor, besides being liable in a civil action for the amount of such fees, costs, allowances and prerequisites as he may have thus illegally withheld; and upon conviction thereof shall be fined not more than One Thousand dollars, or imprisoned not more than one year, or may be both fined and imprisoned, in the discretion of the Court. Whenever any officer is convicted under this Section, it shall operate as a forfeiture of his office and he shall be removed from office by the Governor within ten days from the date of such conviction.

Said officers violating the provisions of act, deemed guilty of misdemeanor.

Penalty on conviction.

Office forfeited in conviction.

Section 12. The Fee Book mentioned in this Act shall be part of the records of the office for which it is kept and shall be at all times open to inspection and examination.

Fee Book a record of office.

Section 13. The Sheriff of each county at the end of each month shall present to the County Treasurer an itemized and verified account of all mileage fees taxable by law for serving process and performance of every official duty, and the County Treasurer shall pay the amount thereof to the Sheriff in addition to the compensation hereinabove provided for such officer, and in case a special emergency shall make it necessary for the Sheriff of either county to employ temporarily a greater number of deputies than herein provided for the preservation of peace and good order, the Sheriff may be reimbursed by the Levy Court of his county

Mileage fees due Sheriffs to be paid, when and by whom.

Other deputies, when may be appointed.

OF SALARIES.

How paid for. for sums actually expended for the services of such deputies upon rendering a detailed sworn statement of the occasion for the employment, the term thereof and the amount paid to each deputy and the names of such deputies.

Section 14. That all Acts and parts of Acts inconsistent herewith, and especially Chapters 73, 294 and 335 of Volume 22, of the Laws of Delaware, be and they are hereby repealed from the time when this Act shall go into effect, as herein provided.

Approved, April 6, A. D. 1905.

CHAPTER 61.

OF SALARIES.

AN ACT to amend Chapter 51, Volume 21, Laws of Delaware, entitled "An Act in relation to the salary of the Governor", Approved March 10, 1898, by increasing said salary.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Chapter 51,
Volume 21,
amended by
increasing the
salary of
Governor.

Section 1. That Chapter 51, Volume 21, Laws of Delaware, entitled "An Act in relation to the salary of the Governor", approved March 10, 1898, be and the same is hereby amended by striking out the word "two" in the second line of section one of said Act and inserting in lieu thereof the word "four", and by striking out the words "five hundred" in the third line of section one, and inserting in lieu thereof the words "one thousand".

Approved, March 16, A. D. 1905.

OF SALARIES.

CHAPTER 62.

OF SALARIES.

AN ACT fixing an annual salary for the Secretary of State and disposing of the fees heretofore collectable by him for his own use.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met: .

Section 1. That Chapter 54, Volume 21, Laws of Delaware; Section 18 of Chapter 166, Volume 21, Laws of Delaware; and Section 18 of Chapter 15, Volume 22, Laws of Delaware be, and the same are hereby repealed.

Section 2. That the Secretary of State shall receive as full compensation for all his services a salary of Four Thousand dollars per annum, payable in equal quarterly installments by the State Treasurer out of any funds in his hands not otherwise appropriated; which said salary shall be in lieu of all emoluments which the Secretary of State has been heretofore entitled by law to receive.

Salary of Secretary of State.
Payable quarterly.

Section 3. That all fees which are now by law taxable by and payable to the Secretary of State for his own use shall continue to be taxed as heretofore, but the same shall be collected by the said Secretary of State and paid into the hands of the State Treasurer.

Secretary of State to collect fees for use of State.

Section 4. That the Secretary of State shall make settlement for and pay over all moneys coming into his hands under and by virtue of section three of this Act in the manner and at the time or times now provided by law with respect to other moneys coming into his hands for the use of the State.

Settle for fees, when.

Section 5. That the provisions of this Act shall take effect upon the expiration of the term of office of the present incumbent of the office of Secretary of State.

Act, to take effect when.

Section 6. That all acts or parts of acts inconsistent with this Act be, and the same are hereby repealed.

Approved, April 3, A. D. 1905.

OF SALARIES.

CHAPTER 63.

OF SALARIES.

AN ACT concerning the office of Attorney General and fixing the salary of the Attorney General and of his Deputy.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Deputy.

Section 1. That the Attorney General shall have power and authority to appoint from the practicing members of the Bar of this State a lawyer to be his deputy. That the term of office of such deputy and the duties by him to be performed shall be determined and fixed from time to time by general or special appointments, regulations, and orders made by the Attorney General.

Term and duties.

Salary of Attorney General.

How payable.

Salary of Deputy.

How payable.

Appointment of Deputy to be certified to State Treasurer

Section 2. The salary of the Attorney General shall, from and after the passage of this Act, be Two Thousand and Five Hundred dollars per annum, payable in equal quarterly installments by the State Treasurer. The salary of the deputy so as aforesaid provided for, shall be One Thousand dollars per annum, payable in equal quarterly installments to said deputy by the State Treasurer. It shall be the duty of the Attorney General, upon the making of the appointment of a deputy, and upon the making of any change therein, to immediately certify the same to the State Treasurer.

Section 3. All Acts and parts of Acts inconsistent herewith are hereby repealed.

Approved, March 22, A. D. 1905.

OF SALARIES.

CHAPTER 64.

OF SALARIES.

AN ACT to Amend "An Act Fixing an Annual Salary for the Sheriff of New Castle County."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Section 1 of Chapter 73, Volume 22, Laws of Delaware, being "An Act Fixing an Annual Salary for the Sheriff of New Castle County," be and the same is hereby amended by striking out the word "quarterly" appearing between the word "in" in the second line and word "installments", in the third line and inserting in lieu thereof the word "monthly."

Section 1,
Chapter 73,
Volume 22,
amended by
making salary
payable
monthly.

Section 2. That Section 3 of Chapter 73, Volume 22, Laws of Delaware, be and the same is hereby amended by inserting in the fourth line between the words "sheriff" and "and" the following words: "then in office".

Section 3,
Chapter 73,
Volume 22,
amended.

Section 3. That all acts or parts of acts inconsistent with this Act be and the same are hereby repealed.

Approved, April 6, A. D. 1905.

OF THE STATE TREASURER.

CHAPTER 65.

OF THE STATE TREASURER.

AN ACT Providing for a Contingent Fund for the State Treasurer.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Contingent
Fund.

Section 1. That the sum of Two Hundred dollars be and the same is hereby appropriated annually, out of any money in the Treasury not otherwise appropriated, as a contingent fund for the use of the State Treasurer, to be used for stationery, postage, etc., to be properly accounted for by vouchers.

Approved, April 3, A. D. 1905.

OF CONSTABLES.

CHAPTER 66.

OF CONSTABLES.

AN ACT to Provide for an additional Constable in New Castle County.

Be it enacted by the Senate and House of Representatives in General Assembly met:

Sec. 1. That the Governor be and he is hereby authorized to appoint an additional constable in New Castle County, who shall be appointed from New Castle County, State of Delaware; and the office of constable hereby created shall continue for four years, and the appointment thereto shall be made and vacancies filled by the Governor for and during the said term of four years.

Special Constable for New Castle County.

Term of office.
Vacancy.

Sec. 2. Any person who shall be appointed constable under this Act shall within thirty days after his appointment give bond with sufficient surety, in the sum of Two Thousand dollars, and which bond the Levy Court of said County shall take, approve, certify and deliver for record in like manner as is now provided by law in case of other constables.

Bond, when to be given.

Duty of Levy Court relative to said bond.

Sec. 3. That this Act shall become operative on the first day of March A. D. nineteen hundred and five.

Approved, March 9, A. D. 1905.

OF CONSTABLES.

CHAPTER 67.

OF CONSTABLES.

AN ACT authorizing the Governor to appoint special Constables for certain purposes.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Special Constables for any person or company may be appointed for certain purposes.

Section 1. That the Governor of this State, be, and he is hereby authorized, upon the application of any individual, firm or corporation engaged in carrying on any kind of business in this State, and having an office or place of business in this State, to appoint such person, or persons, as the said individual, firm or corporation may recommend or designate to act as Special Constables for the protection of the property belonging to or under the control of such individual, firm or corporation, and for the preservation of peace and good order in and about the premises occupied by such individual, firm or corporation.

Commissioned. Section 2. The Governor shall issue to every person so appointed, a commission, and the person so appointed, shall, before acting as such Special Constable, take and subscribe before any officers authorized by the laws of this State to administer oaths an oath or affirmation that he will perform his duties as such Special Constable with fidelity.

Powers of such special constable.

Section 3. Every such Special Constable shall have all the powers of a County Constable which may now or hereafter be conferred upon such County Constable by law provided that such special constable shall have no power or authority to serve any writ or process in any civil action or proceeding.

Governor may revoke such commission.

Section 4. The commission of any such Special Constable may at any time be revoked by the Governor at his pleasure, or upon the written application of the individual, firm or corporation at whose instance such Special Constable was appointed.

OF CONSTABLES.

Section 5. The compensation of every such Special Constable shall be wholly paid by the individual, firm or corporation at whose instance he was appointed. Compensation, how paid.

Section 6. Each such Special Constable shall wear, when on duty, a metallic badge with the words "Special Constable", and the name of the person, firm or corporation, at whose instance he was appointed, plainly inscribed thereon. Such constable to wear badge, etc.

Section 7. This act shall be deemed and taken to be a public Act.

Approved, March 29, A. D. 1905.

CHAPTER 68.

OF CONSTABLES.

AN ACT authorizing the Governor to appoint and commission persons Special Constables for persons or corporations owning or operating railway lines within this State.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Sec. 1. That any person or corporation owning or operating any railway lines within this State may from time to time apply by petition, to the Governor to commission such person or persons, as the said person or corporation may designate, to act as Special Constables for the protection of the property of the said person or corporation, and for the preservation of peace and good order in, on and upon their respective premises and railway cars, and also for the protection of persons travelling thereon. Petition for special constables for Railway Companies.

Sec. 2. The Governor upon such application or applications, may, if he thinks it proper, so to do, appoint such person or persons or so many of them as he may deem proper, to be such Special Constables, and shall issue to every For what purpose.

Appointed and commissioned.

OF CONSTABLES.

Term. person so appointed, a commission for a term of two years, unless sooner revoked; and each person so appointed, shall before entering upon the duties of his office, take and subscribe the oath required by the Constitution of this State of public officers, and cause his commission with such oath endorsed thereon to be duly recorded in the Recorder's office of the County wherein he resides. Every such Special Constables so commissioned and qualified shall possess and exercise within this State all the authority and powers now conferred on policemen in the City of Wilmington.

Oath of office.

Commission and oath to be recorded.

Powers of such special constables.

Governor may revoke such commission. Sec. 3. The Governor may at any time revoke any such commission at his pleasure, and upon the written application of the person or corporation upon whose petition such Special Constable shall have been appointed shall revoke such commission; such revocation to be effected by an order in duplicate, signed by the Governor, one of which shall be mailed to the Special Constable, and the other filed in the Recorder's office where the commission is recorded and noted in the record of such commission.

Form of such revocation.

Compensation of such special constable, by whom paid. Sec. 4. That the compensation of every such Special Constable shall be wholly paid by the person or corporation upon whose petition he was appointed, and neither the State nor any County thereof shall be responsible for any part of such compensation.

Governor may appoint at any time. Sec. 5. This Act shall be so construed that the Governor is authorized to appoint Special Constables herein from time to time as long as this Act is in force.

Sec. 6. This Act shall be deemed and taken to be a public Act and published as such.

Approved, February 27, A. D. 1905.

OF NOTARIES PUBLIC.

CHAPTER 69.

OF NOTARIES PUBLIC.

AN ACT relating to Notaries Public.

Whereas, By reason of numerous existing Special Acts of Preamble.
the General Assembly, great confusion exists in relation
to the appointment of Notaries Public;

And Whereas, This confusion can be done away with by Preamble.
the enactment of a General Law relating to Notaries Public;
therefore,

*Be it enacted by the Senate and House of Representatives of
the State of Delaware in General Assembly met :*

Section 1. That from and after the approval of this Act, Justice of Peace
the Governor is hereby authorized and directed to appoint to be a Notary
every person who shall be appointed by him to the office of Public.
Justice of the Peace in this State, also a Notary Public, Provided,
Provided However, that the term of office of any person appoint- terms of two
ed a Notary Public under the provisions of this Section, offices shall be
whose appointment as a Justice of the Peace shall not be coterminous.
confirmed by the Senate or who shall fail to qualify, resigns
or be removed from said office of Justice of the Peace, shall
terminate at the same time his term of office as Justice of the
Peace terminates.

Section 2. In addition to the Notaries Public authorized
to be appointed by Section 1 of this Act, the Governor is Notary Public
hereby authorized and directed to appoint one Notary Public for Banks.
for each Trust Company, Bank or Banking Association or Trust Compa-
branch or branches thereof in this State, whether State or nies or branch-
National, now or hereafter to be chartered or organized es thereof to be
under the Laws of this State or of the United States, pro- appointed.
vided however, that the privileges and duties of the Notaries
Public who may be appointed for the several Trust Com- Duties confined
panies, Banks or Banking Associations or branch or branches to such
thereof within this State whether State or National, shall be institutions.
confined to the business of their respective Trust Companies,

OF NOTARIES PUBLIC.

Banks or Banking Associations or branch or branches thereof.

Notaries Public at large confined to 55 for New Castle County, 5 for Kent county, 5 for Sussex county.

Section 3. That in addition to the Notaries Public authorized to be appointed by Sections 1 and 2 of this Act, there may be appointed in New Castle County, fifty-five Notaries Public; in Kent County, five Notaries Public; in Sussex County five Notaries Public; and after the approval of this Act, only such persons shall be appointed Notaries Public as have been provided for in this and the preceding Sections of this Act.

Term.

Section 4. The terms of office of Notaries Public appointed under this Act, shall be four years.

Fees and taxes for commission.

Section 5. Every Notary Public, appointed under this Act, shall pay the fees and taxes now required by law, to be paid by Notaries Public upon their appointment.

Notaries Public under this act, when to be appointed.

Section 6. This Act shall take effect and become operative, as to Notaries Public now in office, appointed under any existing law of this State, upon the termination of the terms of their respective offices, and said last mentioned laws shall at that time be repealed; provided however, that nothing in this Act shall be construed to repeal Section two, three, four, five, six, seven and eight of Chapter 36 of the Revised Code, as amended, printed and published in A. D. 1893.

Repealer.

Proviso.

Section 7. All Laws or parts of laws inconsistent with the provisions of this Act, be and the same are hereby repealed.

Section 8. That hereafter Notaries Public shall be appointed under the provisions of this Act and not otherwise.

Approved, March 9, A. D. 1905.

OF PROTHONOTARIES.

CHAPTER 70.

OF PROTHONOTARIES.

AN ACT to authorize the Prothonotary of the Superior Court of the State of Delaware in and for Kent County to make new Judgment Indices.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the Prothonotary of the Superior Court of the State of Delaware in and for Kent County be and he is hereby authorized and required to make or cause to be made, pursuant to the Campbell System of indices, in one or more volumes, a true and correct copy of the indices to unsatisfied Judgments entered in his office since 1832; and he is hereby authorized to procure such books as shall be necessary and proper for that purpose, the cost of which shall be paid by the Levy Court of Kent County.

Judgment Indices for Kent county.

Books, how procured.

Section 2. That the Levy Court of Kent County shall appoint two Commissioners whose duty it shall be to examine such copy as aforesaid, after the completion thereof, and if they approve of the execution and exactness thereof, they shall certify the same to be a true and correct copy of said indices; and then and after such certification the said copy shall become and be the indices of the said County in lieu of those heretofore and now in use.

Levy Court to appoint two Commissioners.

Upon approval new indices to be indices of office.

Section 3. That after the said Commissioners shall have certified as aforesaid, the Levy Court of Kent County shall pay to the Prothonotary and to the said Commissioners a just and reasonable compensation for their services to be fixed by the Levy Court of Kent County aforesaid upon application by the said Prothonotary and the said Commissioners.

Compensation of Commissioners and Prothonotary.

Which said compensation shall be paid at such time or times within a period of two years as the said Levy Court shall deem meet and proper.

When paid.

Approved, April 6, A. D. 1905.

OF INSURANCE COMMISSIONER.

CHAPTER 71.

OF INSURANCE COMMISSIONER.

AN ACT to require all Insurance Companies organized and existing under the laws of other States and Foreign Countries and doing business in Delaware, to appoint the Insurance Commissioner of Delaware their attorney to accept service of legal process in Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Insurance Company must first appoint Insurance Commissioner its attorney to receive service of process before doing business.

Section 1. No Insurance Company, Corporation, or association organized under the laws of any other State, or any foreign country, shall directly or indirectly issue policies, take risks, or transact business in this State, until it shall have first appointed in writing the Insurance Commissioner of this State to be its attorney in this State, upon whom all lawful process, in any action or proceeding against it, may be served with the same effect as if the Company, corporation, or association existed in this State. Said power of attorney shall stipulate and agree on the part of the Company, Corporation, or association, that any lawful process against the same which is served on said attorney shall be of the same legal force and validity as if served on the company, corporation, or association, and that the authority shall continue in force so long as any certificate of membership, policy, or liability remains outstanding against the Company, Corporation, or association, in this State. A certificate of such appointment, duly certified and authenticated, shall be filed in the office of the Insurance Commissioner, and copies certified by him shall be sufficient evidence. Service upon such attorney shall be sufficient upon the principal.

Power of attorney, to stipulate what.

Certificate of such appointment, to be filed where.

Effect of service on attorney.

Duty of Insurance Commissioner when served with process.

Section 2. Whenever lawful process against an insurance Company, Corporation, or Association shall be served upon the Insurance Commissioner, he shall forthwith mail a copy of such process to the secretary of the company, or in the case of companies of foreign countries, to the resident manager, if any, in this country.

Section 3. Whenever service of process on an insurance company may be made, by law, on the Insurance Commis-

OF INSURANCE COMMISSIONER.

sioner of this State, such Commissioner may from time to time designate some person in his office upon whom, in his absence, service of such process may be made; and such service shall be of the same force and effect as though made on the Commissioner personally.

Service in certain designated person in office of said Commissioner effective, in absence of Commissioner

Section 4. The provisions of this act shall take effect sixty days after the same becomes a law.

Act, when to go into effect.

Section 5. That all acts or parts of act inconsistent herewith are hereby repealed.

Approved, April 13, A. D. 1905.

CHAPTER 72.

OF INSURANCE COMMISSIONER.

AN ACT to amend Chapter 99, Volume 22 of the Laws of Delaware entitled, "An Act to re-enact the Insurance Laws of Delaware in order to make them conform with the requirements of the amended Constitution and of the General Corporation Law".

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Section 4 of Chapter 99, Volume 22, Laws of Delaware, entitled "An Act to Re-enact the Insurance Laws of Delaware in order to make them conform with the Requirements of the Amended Constitution and of the General Corporation Law," be amended by adding after the word "any" in the twenty-sixth line thereof, the word "Stock", and further that said Section be amended by adding after the period ending the forty-sixth line thereof, the following: "But the Secretary of State shall file a Certificate of Incorporation for any mutual insurance company having for its objects the carrying on of Life, Fire or other Insurance, when the same shall conform to the requirements of the General Corporation Law of this State, but no such mutual

Section 4, Chapter 99, Volume 22, amended.

Secretary of State to file certificate of incorporation.

OF INSURANCE COMMISSIONER.

Insurance Com-
pany not
authorized
to issue
policies until
statement filed
with Insurance
Commissioner.

Acts of such
Insurance Com-
panies created
prior to this
act, made valid.

insurance company as above described shall be authorized to issue any policies of insurance whatever until it shall file a statement with the Insurance Commissioner in conformity with the provisions of Section 4 of the Act above referred to."

Section 2. "That the charters of all mutual insurance companies filed and issued under the General Corporation Law of this State prior to the passage of this Act, the representatives of which have filed in the name of the company such statements as are described and required in Section 4 of Chapter 99, Volume 22, Laws of Delaware and by virtue thereof shall have received from the Insurance Commissioner of this State a certificate authorizing such companies to transact the business of insurance and establish agencies in this State, shall be deemed and accepted as valid charters and shall have and enjoy all the powers granted to corporations under the General Corporation Laws of this State."

Section 3. All acts or parts of acts inconsistent with this Act are hereby repealed.

Approved, February 16, A. D. 1905.

OF INSURANCE COMMISSIONER.

CHAPTER 73.

OF INSURANCE COMMISSIONER.

AN ACT authorizing the State Insurance Commissioner to receive and hold deposits of money or securities of Corporations and Associations organized under the Laws of Delaware, where under the laws of any other States such Associations or Corporations are required or authorized to place deposits with the proper officers of the State of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That whenever, under the laws of any other State before doing business in such State, any Corporation or Association, organized under the laws of the State of Delaware, is required or authorized to make deposits of money or securities, to any amount, with the proper officers of this State, the Insurance Commissioner of the State of Delaware be, and he is hereby authorized and directed to accept such deposits in trust, and to certify to the Corporation or Association making the same that he has received such deposits and the amount thereof.

Insurance Commissioner directed to receive certain funds and securities in trust

Section 2. Every Association or Corporation making such deposits of money or securities shall be permitted to collect the interest, dividends and profits on the same, and where such securities shall consist of mortgages or deeds of trust, securing any note or notes, the Association or Corporation depositing the same may retain such note or notes for collection, both of principal and interest.

Insurance Corporations may collect interest, etc.

May retain notes secured by mortgage so deposited.

Section 3. Every Corporation and Association making such deposits may be permitted, from time to time, to withdraw such securities, or portions thereof, substituting therefor others of equally good character, and ceasing to do business in the State or States requiring or authorizing such deposits to be made with the proper officers of this State, upon showing, to the satisfaction of the Insurance Commissioner, that they have ceased to do business in such States, they shall be permitted to withdraw the securities by them, with him deposited.

Insurance Company may substitute securities for any withdrawn.

When may withdraw fund securities.

OF INSURANCE COMMISSIONER.

Securities exempt from attachment except under certain conditions.

Section 4. All securities deposited under the provisions of this Act shall, at all times, be exempt from, and not subject to levy under any writ of attachment, or any process against the Corporation or Association making the same, without at least, thirty (30) days notice to such Corporation or Association, specifying the time, place and manner of the sale thereof, and the process under which, and the purpose for which said securities are to be sold, accompanied by a copy of such process.

Approved, February 23, A. D. 1905.

CHAPTER 74.

OF INSURANCE COMMISSIONER.

AN ACT to amend Chapter 99, Volume 22, Laws of Delaware, entitled "An act to re-enact and Revise the Insurance Laws of Delaware, in order to make them conform with the requirements of the amended Constitution and of the General Corporation Law."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 3,
Chapter 99,
Volume 22,
amended.

Section 1. That Section 3 of Chapter 99, Volume 22, Laws of Delaware, entitled "An Act to Re-enact and Revise the Insurance Laws of Delaware in order to make them conform with the Requirements of the Amended Constitution and of the General Corporation Law", be amended by striking out all words after the word, "sufficient" in the tenth line thereof and before the word "said" in the eleventh line thereof.

Section 4,
Chapter 99,
Volume 22,
amended.

Section 2. That Section 4 of the said Act be amended by inserting between the words "any" and "company" where they occur in the 26th line of said Section, the word "Stock" by striking out the word "accident" where it occurs in line 27 of the Section aforesaid and inserting in lieu thereof the word "other" and by inserting between the words "insurance" and

OF INSURANCE COMMISSIONER.

"unless" where they occur in the 28th line thereof the word "business".

Section 3. That Section 4 of Chapter 99, Volume 22, Laws of Delaware, be further amended by striking out the words "and fifty" where they occur in the 15th line of Section 4 of said Act. Section 4,
Chapter 99,
Volume 22,
amended.

Approved, March 30, A. D. 1905.

CHAPTER 75.

OF INSURANCE COMMISSIONER.

AN ACT to amend Chapter 140, Volume 18, Laws of Delaware, being an Act entitled "An Act to amend an Act entitled "An Act in relation to Insurance Companies," Providing that Industrial Life Insurance Companies shall pay to the Insurance Commissioner the license fee for its agents.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That any Life Insurance Company, which collects its premiums for Insurance on lives in weekly payments, may apply to the Clerk of the Peace for a proper license authorizing and empowering such Company to engage in and carry on its business in this State, and, upon payment to the said Clerk of the Peace the sum of fifty dollars and also the fee to the Clerk of the Peace for issuing the license of two dollars, it shall be the duty of such Clerk of the Peace to issue to it a proper license to transact business for one year from the date thereof. Any such company after receiving such license, and otherwise complying with the Insurance Laws of this State, shall be authorized to transact its business in the State, and any such Company shall pay to the Insurance Commissioner the license fee of any agent or agents, employee or employees, employed by it to solicit

Certain Insurance Companies to apply to Clerk of Peace for license.

Fees for license

Such licensed Insurance Company authorized to transact business in State.

License fee for Solicitors for such Company to be paid to Insurance Commissioner by such companies

OF THE COURT OF CHANCERY.

Solicitors not
to be compelled
to pay license
fee.

applications for Insurance and collect premiums for the certificate of authority of said agents or employees; and no such company shall in any manner require such agent, or employee to reimburse it for said fee so paid by it; Provided, however, that such agent or employee is not engaged in soliciting or transacting business within the State for any other foreign Fire or Life Insurance Company.

Approved, April 6, A. D. 1905.

CHAPTER 76.

OF THE COURT OF CHANCERY.

AN ACT providing a Stenographer for the Court of Chancery.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Stenographer
for Court of
Chancery.

Duty.

Section 1. That there shall be attached to the Court of Chancery, an additional officer, who shall be a skilled and competent stenographer, whose duty it shall be to attend the sessions of said Court in the several Counties, and also whenever the Chancellor sits in Chambers for the hearing of causes or petitions, and under the order and direction of the Chancellor to report all evidence, opinions and other matters, as the Chancellor may order.

Appointment
and removal.

He shall be appointed by the Chancellor and be subject to be removed at pleasure, and another appointed in his place.

Oath of office.

Bond.

Section 2. Before entering upon his duties, he shall be duly sworn as other Court Officers, and shall give bond to the State of Delaware in the penal sum of Two Thousand dollars, to be approved by the Chancellor, for the faithful discharge of his duties.

Compensation.

"He shall receive as compensation for his services such sum as may be approved by the Chancellor, not exceeding Six Hundred dollars for each and every year".

Approved, March 23, A. D. 1905.

OF THE BOARD OF RECORDS.

CHAPTER 77.

OF THE BOARD OF RECORDS.

AN ACT for the better preservation of Certain Public Records.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of the members of each branch thereof concurring therein).

Section 1. That there is hereby created a Division of Public Records which shall be devoted to the classification and cataloguing of, looking to the preservation of all public records through-out this State, which are now in the custody of the State and County officials, but not in current use, and consequently, primarily of historical value.

Division of
Public Records
created.
Duties.

Section 2. That this Division of Public Records shall be composed of six members to be appointed by the Governor in the State to be selected throughout the State from among the members of the several patriotic and historical societies now in existence in this State.

Consist of six
members.

Section 3. That the Division of Public Records shall be under the direction and care of the members so appointed as aforesaid, who shall have immediate charge and be responsible for every thing consigned to their custody, and shall make and enforce all reasonable rules and regulations in regard to the property hereinafter consigned to their care. The members of the said Division shall cause to be classified and catalogued for reference all records, books and papers of a date prior to the year Eighteen Hundred which are now in the possession of the several State and County officers, and shall report be-ennially to the Governor on the condition of the said records, with such recommendations as may be desirable for the preservation of all public records through-out Delaware.

Rules and reg-
ulations.

Classification
and catalogu-
ing records, etc

Report to
Governor

Section 4. That the heads of the various departments of the State Government and of the County offices in this State, shall upon request of this Division afford all proper and

Duty of State
and County
officers.

OF THE BOARD OF RECORDS.

reasonable access to and examination of all books, records and papers relating to their several departments or offices, beginning with the earliest records to the year Eighteen Hundred, for the purposes of this Act.

Governor to
appoint.

Term.

Compensation.

Section 5. That the Governor shall appoint bi-ennially on the first day of May, for a term of two years the members of this Division of Public Records, and all of said members so appointed, shall serve without compensation.

Section 6. This Act shall take effect from and after the first day of April, A. D. Nineteen Hundred and Five.

Approved, March 16, A. D. 1905.

OF INDICES OF RECORDS OF NEW CASTLE COUNTY.

CHAPTER 78.

OF INDICES OF RECORDS OF NEW CASTLE COUNTY.

AN ACT in relation to the Indices of the Records of New Castle County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. Whenever the index or indices of any record of the Superior Court of the State of Delaware in and for New Castle County, or of any record of the office of the Register of Wills of said County, or of any record of the office of the Recorder of said County, or of any record of the Court of Chancery of the State of Delaware in and for said County, or of any record of the Orphans' Court of the State of Delaware in and for said County, shall need renewing, revising, altering or recopying, or any of said records not being sufficiently indexed shall be in need of a new or better system of ascertaining its contents, the Superior Court of the State of Delaware sitting in and for said County shall have power to order and direct that a renewed, revised, altered, recopied or sufficient index or indices shall be made for any of the said records of the said Superior Court, Register of Wills or Recorder; the Chancellor of the State of Delaware sitting in and for said County shall have like power to order and direct that a renewed, revised, altered, recopied or sufficient index or indices shall be made for any of the said records of the said Court of Chancery; and the said Judges of the Orphans' Court of the State of Delaware sitting in and for said County shall have like power to order and direct that a renewed, revised, altered, recopied or sufficient index or indices shall be made for any of the said records of the said Orphans' Court.

Indices for certain offices in New Castle County.
When to be made.

By whom ordered to be made.

Section 2. Whenever a new index or indices are made for the records of Judgments, Mechanics Liens, Foreign or Domestic Attachments, Mortgages or Recognizances the said new index or indices shall omit all such as have been fully and legally satisfied. No other change shall be made in the manner or system of keeping any index except by direction of the said Judges of the said Superior Court, Chancellor

Indices, what not to include.

OF INDICES OF RECORDS OF NEW CASTLE COUNTY.

or said Judges of the said Orphans' Court, respectively so ordering and directing as aforesaid.

Officer in charge of records to be indexed to make new indices.

Section 3. That when the said Judges of the said Superior Court, Chancellor or said Judges of the Orphans' Court, respectively, shall so order and direct the making of any index or indices as hereinbefore provided, the officer in charge of the records for which said index or indices are to be made, shall be authorized and required to make or cause the same to be made, pursuant to the provision of this Act and the order and direction of the said Judges of the said Superior Court, Chancellor or said Judges of the said Orphans' Court respectively so ordering and directing as aforesaid, and he shall be authorized to procure such books as shall be necessary and proper for that purpose, the cost of which shall be paid by the Levy Court of New Castle County.

Books, how to be procured.

Commissioners to be appointed by resident Judge of New Castle County to examine new indices.

Section 4. That whenever it is directed that any index or indices shall be made as hereinbefore provided, the resident Associate Judge of New Castle County, shall appoint two commissioners whose duty it shall be to examine such index or indices as aforesaid and if they approve of the execution and exactness thereof, they shall certify the same to be a true and correct index or indices; and then and after such certification the said index or indices shall become and be the index or indices of New Castle County in lieu of those theretofore in use.

New indices, when to be official indices.

Compensation of officer and commissioners.

Section 5. That after the said Commissioners shall have certified as aforesaid the Levy Court of New Castle County shall pay to the officer by whom the said index or indices shall have been made and to the said commissioners, a just and reasonable compensation for their services, to be fixed by the said Levy Court upon application by the said officer and by the said commissioners. Provided that upon the said application by the said officer or by the said commissioners for the fixing of their compensation for said services, they shall present to the said Levy Court, so fixing said compensation a sworn itemized account of the time spent and disbursements made, if any, by said officer or commissioner* respectively in and about the preparation or examination of said Records or Indices so made or examined by them aforesaid.

Application for compensation, what to contain.

Approved, April 3, A. D. 1905.

*So Enrolled.

OF CLERK OF THE ORPHANS' COURT.

CHAPTER 79.

OF CLERK OF THE ORPHANS' COURT.

AN ACT authorising the Clerk of the Orphans' Court of Kent County to make new Indices to Unsatisfied Recognizances.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That the Clerk of the Orphans' Court of the State of Delaware in and for Kent County, be and he is hereby authorized, empowered, and directed to make, or cause to be made, a true and correct copy of the indices to the unsatisfied recognizances entered in his office, pursuant to the Campbell system, in one or more Volumes as he may deem advisable; and he is hereby authorized to procure such books as shall be necessary and proper for that purpose, the cost of which shall be paid by the Levy Court of Kent County.

Clerk of Orphans Court of Kent County to make certain indices.

Indices, how procured.

Cost, how paid.

Section 2. That the Levy Court of Kent County be, and the same is hereby authorized, empowered, and directed, to appoint two Commissioner,* whose duty it shall be to examine said indices after the said Clerk of the said Orphans' Court shall have completed the same, and if they approve of the execution and correctness of the said indices, they shall certify their approval on each record thereof, and that then and after such certification the said indices shall become and be the indices to all the recognizances* records in the office of the Clerk of the Orphans' Court of the State of Delaware in and for Kent County aforesaid.

Levy Court to appoint two commissioners
Duty.

Section 3. That after said Commissioners shall have certified as aforesaid, the Levy Court of Kent County shall determine and make a just and reasonable allowance to the said Clerk and Commissioners for their services in this behalf, which allowance shall be paid by the said Levy Court at such time or times within a period of two years as the said Levy Court shall deem meet and proper.

Compensation to Clerk and Commissioners

Approved, April 6, A. D. 1905.

*So Enrolled

OF THE REGISTER OF WILLS.

CHAPTER 80.

OF THE REGISTER OF WILLS.

AN ACT to authorize the Register of Wills in and for Kent County to procure a new seal of office,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

New seal of
office for Reg-
ister of Wills of
Kent County.

Section 1. That William D. Hudson, Register of Wills, in and for Kent County, be and he is hereby authorized to procure a new seal for his office, to be made of brass or steel of the dimensions, and engraved with the same devices, of the present seal, which said seal when completed shall be taken and deemed to be the seal of the Register of Wills of Kent County in the State of Delaware, and shall thereafter be affixed to all writings, papers and records, where the seal of said Court is required, and the present seal shall then be broken up and destroyed by the said Register in the presence of the Sheriff of Kent County.

How paid for.

Section 2. The Levy Court of Kent County shall pay the necessary costs of procuring the said new seal.

Approved, March 20, A. D. 1905.

OF THE BOARD OF AGRICULTURE.

CHAPTER 81.

OF THE BOARD OF AGRICULTURE.

AN ACT for the renewal of "An Act for the Encouragement of Immigration, and to foster the agricultural interests of the State," being Chapter 333, Volume 22, Laws of Delaware, Approved March 19, 1903.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Chapter 333, Volume 22, Laws of Delaware, entitled "An Act for the Encouragement of Immigration and to foster the Agricultural Interests of the State," approved March 19, 1903, be and the same is hereby re-enacted, renewed, extended and continued in force for the term of two years from and after the nineteenth day of March, A. D. 1905, and at the expiration of that term the same shall cease, terminate and become inoperative.

Chapter 333,
Volume 22,
re-enacted and
renewed, etc.

Section 2. This Act shall be deemed and taken to be a public Act.

Approved, April 20, A. D. 1905.

OF THE BOARD OF STATE SUPPLIES.

CHAPTER 82.

OF THE BOARD OF STATE SUPPLIES.

AN ACT regulating the furnishing of Supplies for the State.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Board of State
Supplies.

Section 1. That a Board of State Supplies is hereby constituted. Said Board of State Supplies shall consist of the Governor, the Secretary of State and the State Treasurer. The acts of two of said members shall be that act of said Board.

Supplies for the
State, how to
be furnished.

Section 2. That all supplies for the State shall be furnished and performed, only in pursuance to the terms of a written or printed contract or contracts, made by said Board of State Supplies and the person, firm or corporation delivering or doing the same.

Board to adver-
tise for bids,
when.

Section 3. The said Board of State Supplies shall, annually advertise in at least six newspapers published in this State (two of which shall be published in each county) during the months of April and May, for at least four weeks, for proposals or bids for doing and furnishing of all State supplies for the year beginning on the first day of June next ensuing.

Advertisement
to state what.

Said advertisements shall state the nature, kind, quality, quantity and amount of said supplies, and shall designate the time and place when and where said proposals will be opened, which shall be done by said Board of State Supplies in public in the presence of the persons making the bids or their representatives.

Certified check
to accompany
each bid.

Every such bid or proposal shall be accompanied by a duly certified check of the bidder or bidders for ten per centum of the amount of his or her bid. Said checks shall be returned to said bidder or bidders upon the execution of the said contract or contracts and the bond or bonds hereinafter provided for. Upon the opening of said bids the said Board of State Supplies shall carefully consider all the same, and shall award the contract or contracts for the doing and furnishing said supplies to the lowest responsible

Contracts, to
whom awarded

OF THE BOARD OF STATE SUPPLIES.

bidder therefor. If any two or more responsible persons, firms or corporations shall bid an equal amount for doing or furnishing such supplies, which bids shall be the lowest, then said Board shall award said contract or contracts to any one of the same. Every successful bidder or bidders shall enter into a contract or contracts with said Board as mentioned in Section 2 of this Act and shall enter into a bond to the State of Delaware with surety or sureties to be approved by said Board in an amount to be fixed by said Board. Every such bond shall have a warrant of Attorney attached thereto, authorizing the State by its Attorney General to confess and enter judgment thereon in any Court in the United States of America or elsewhere against the obligors therein named for the amount therein named, and shall be conditioned for the honest and faithful compliance with all the provisions of the contract of the bidder or bidders aforesaid. Whenever, in the opinion of said Board, it shall be for the best interests of the State that any of said bonds shall be entered, it shall so order and direct the Attorney General who shall thereupon cause the same to be entered in the proper Court.

Successful bidder to enter into contract and give bond.

When bond may be entered.

Section 4. If any bidder or bidders mentioned in this Act, to whom any contract mentioned in this Act, shall be awarded, shall neglect or refuse to comply with his or her contract, then the said Board shall cause his or her said bond to be entered as aforesaid, and shall proceed by all lawful means to collect all the money due thereon, and shall, in the manner provided in this Act, advertise for new bids to complete the doing and furnishing said supplies for the balance of the term of said contract, and in like manner award said contract.

Failure to fulfill contract, bond to be proceeded on.

Section 5. The word "supplies" as used in this Act shall be construed to mean and include all stationery, printing, paper and fuel used in the Legislative and other departments of the State government, the printing, binding and distribution of the laws, journals, official reports, and all other State printing and binding, and the repairing, furnishing and heating the State House.

"Supplies" defined.

Section 6. The said Board of State Supplies shall, whenever it advertises for any bids or proposals, state in said advertisements a maximum price for supplies asked for. "The

Maximum price to be stated in advertisement.

OF THE BOARD OF STATE SUPPLIES.

Bids may be
rejected.

Re-advertise-
ment.

State officers to
make requisition for sup-
plies, when.

said Board of State Supplies shall have the right to reject any and all bids or proposals mentioned in this Act. If said Board should, at any time, reject all bids or proposals submitted, it shall immediately re-advertise, for new bids or proposals in lieu of those rejected, in the manner in this Act provided for the original advertisements. All State officers and Boards to whom or which this Act applies shall, annually in the month of March certify in writing to said Board of State Supplies as near as possible the amount, kind and quality of any supplies he or it will require, for the year next ensuing, beginning on the first day of June next ensuing."

Section 7. This Act shall become operative immediately upon its approval by the Governor.

Approved, March 23, A. D. 1905.

OF THE COUNTY MORGUE.

CHAPTER 83.

OF THE COUNTY MORGUE.

AN ACT providing for a County Morgue and for the office of Superintendent thereof in and for New Castle County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the Levy Court, or a majority of its members, of New Castle County as soon as conveniently can be after the passage of this Act shall erect or procure by purchase or otherwise, and fit up a building fully equipped for a County Morgue, to be situated in the City of Wilmington; said building shall have an office for the Coroner of New Castle County and rooms for holding inquests and a work room.

Levy Court of New Castle County to procure County Morgue.

Coroner's office located therein.

Section 2. The Levy Court, or a majority of its members, of New Castle County on the First Tuesday in May, Nineteen Hundred and Five (1905) shall appoint a person, a resident of New Castle County, with a residence in the City of Wilmington during his term of office, with not less than five (5) years' experience in the care and handling of dead bodies, to be Morgue Superintendent for a term of four (4) years, or until his successor is appointed.

Levy Court to appoint Morgue Superintendent, when.

Term.

Section 3. It shall be the duty of the Morgue Superintendent to remove and care for such bodies of deceased persons as come under the jurisdiction of the Coroner or the Trustees of the Poor of New Castle County; to keep a complete list with detail description of all bodies admitted to the morgue, and the disposition made thereof; and to make a report of same to the Levy Court in the month of February of each year.

Duty of Morgue Superintendent.

Report to Levy Court.

Section 4. The Morgue Superintendent appointed under this Act shall receive such compensation as the Levy Court may fix and be subject to such rules and regulations as the said Levy Court may prescribe.

Compensation.

Approved, April 6, A. D. 1905.

OF ROAD COMMISSIONERS.

CHAPTER 84.

OF ROAD COMMISSIONERS.

AN ACT to relieve the Special Commissioners of Brandywine Hundred from liability on their bond.

Preamble. Whereas—By Chapter 338, Volume 22, Laws of Delaware, William Danzenbaker, Edward Bringhurst, Jr. and Thomas T. Weldin were named as Special Commissioners to procure, have executed and sell certain bonds for the purpose of paying off the floating indebtedness of the Commissioners of Roads of Brandywine Hundred; and

Preamble. Whereas—By the provisions of said Act, the said Special Commissioners were required to enter into bond to the State of Delaware in the penal sum of Eighteen Thousand Dollars, conditioned for the faithful performance of the duties imposed upon them by said Act; and

Preamble. Whereas—All of said floating indebtedness has been fully paid and discharged by the said Special Commissioners and the balance of the moneys received from the sale of said bonds has been paid by said Special Commissioners to the County Treasurer, as in said Act provided; and

Preamble. Whereas—It is proper that provision be made that said Special Commissioners be relieved of all liability on account of their said bond: Therefore—

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Special Commissioners appointed under Chapter 338, Volume 22, released from liability in their bond.

Section 1. That William Danzenbaker, Edward Bringhurst, Jr. and Thomas T. Weldin, as Special Commissioners to pay the floating indebtedness of Brandywine Hundred, be and the same are hereby released from all liability on account of their bond given to the State of Delaware, pursuant to Chapter 338, Volume 22, Laws of Delaware, bearing date the second day of September, A. D. 1903, for the penal sum of Eighteen Thousand Dollars, and said bond shall be and the same is hereby declared to be null and void and of no force or virtue.

Approved, April 6, A. D. 1905.

TITLE SIXTH.

Of Religion, Public Education and Health.

CHAPTER 85.

OF RELIGIOUS SOCIETIES.

AN ACT to confirm and make valid all the Acts and proceedings of Newark Union and of the Managers and Trustees of Newark Union, Church and Burial Ground, in Brandywine Hundred, and to vest the title of their real estate in Newark Union Corporation.

Whereas, On the Fifth day of February, A. D. 1845 an Act Preamble. of incorporation of the General Assembly of the State of Delaware was passed, granting a Charter to certain persons therein named, under the style and title of Newark Union of Brandywine Hundred, in New Castle County, Delaware, and

Whereas, the said Charter having lapsed by limitation of Preamble. time, a further Act of General Assembly was, on the sixteenth day of February, A. D. 1881, passed, renewing and reviving said charter, and confirming and making valid all the acts of the Managers and Trustees of Newark Union, Church and Burial Ground, and extending the Charter for a period of twenty years from the said Sixteenth day of February, A. D. 1881, as appears by Volume 16, page 598, Laws of Delaware, and

Whereas, Said Charter expired by lapse of time, on the Preamble. fifteenth day of February, A. D. 1901; and

Whereas, The managers and Trustees of Newark Union, Preamble. Church and Burial Ground, having continued to act as such Managers and Trustees of the corporation of Newark Union, as if the said Charter had not lapsed; and

OF RELIGIOUS SOCIETIES.

Preamble. Whereas, Certain of the Managers and Members of said corporation have duly become incorporated under the name of Newark Union Corporation, under and by virtue of the Laws of the State of Delaware; now therefore,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Validating certain Acts of Newark Union.

Section 1. That all the acts and business done by Newark Union and by the Board of Managers and Trustees of Newark Union of Brandywine Hundred, either as Managers or Trustees, for or in behalf of Newark Union Church or Newark Union Burial Ground from the Fifteenth day of February, A. D. 1901 until the time of the passage of this Act, shall be, and are hereby made, as firm, binding and valid as if the said Charter and Act of incorporation had been in full force and effect.

Title to real estate of Newark Union invested in Newark Union Corporation.

Section 2. That the fee simple title to the real estate of Newark Union, Church and Burial Ground, in Brandywine Hundred, aforesaid shall be, and hereby is vested in fee simple, in Newark Union Corporation, its successors and assigns forever.

Approved, April 3, A. D. 1905.

OF RELIGIOUS SOCIETIES.

CHAPTER 86.

OF RELIGIOUS SOCIETIES.

AN ACT authorising the President and Secretary of the Camden Union Camp Ground for the Methodist Episcopal Churches of Delaware and Philadelphia, to make and deliver a certain deed.

Whereas the Act of Incorporation of the Camden Union Preamble.
Camp Ground for the Methodist Episcopal Churches of Delaware and Philadelphia has expired by limitation; and

Whereas, the said Camden Union Camp Ground for the Preamble.
Methodist Episcopal Churches of Delaware and Philadelphia is the owner of certain real estate in the State of Delaware used by it for camp meeting purposes, the title to which is still in the said Camden Union Camp Ground for the Methodist Episcopal Churches of Delaware and Philadelphia; and

Whereas a new corporation has been formed under the Preamble.
General Corporation Laws of this State under the name of "Camden Union Camp Meeting Association of the Methodist Episcopal Church" for the same objects and purposes and is controlled by the same persons who controlled the said Camden Union Camp Ground for the Methodist Episcopal Churches of Delaware and Philadelphia; and

Whereas it is desired to convey said property to said new Preamble.
Corporation, Now Therefore,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring herein:)

Section 1. That the President and Secretary of the Camden Union Camp Ground for the Methodist Episcopal Churches of Delaware and Philadelphia be and they are hereby authorized and directed to make and deliver a deed of the real estate of the Camden Union Camp Ground for the Methodist Episcopal Churches of Delaware and Philadelphia to the Camden Union Camp Meeting Association of the Methodist Episcopal Church and when the said deed is so

Camden Union Camp Ground is authorized to make deed to Camden Union Camp Association of M. E. Church.

OF RELIGIOUS SOCIETIES.

Violation of
Act misde-
meanor.

Fine.

Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than Fifty dollars, nor more than Five Hundred dollars.

Not to effect
Section 3,
Chapter 131
Revised Code.

Section 3. That nothing herein contained shall in any way affect the provisions of Section 3 of Chapter 131 of the Revised Statutes of this State, but the penalty provided by Section 2 of this act shall be cumulative.

Obstruction of
road may be
prevented.

Section 4. The Board of Managers shall have full power and authority to prevent any obstruction of the public road in front of the grounds of the corporation by any wagon, cart, carriage, hack, or other vehicle, or in any manner whatsoever during the time of the camp meeting. They shall have power to order the arrest of any person found obstructing said public road and may remove the obstruction or nuisance. Any person obstructing said public road shall be liable to a fine not exceeding Five dollars for each offence.

Obstruction or
nuisance may
be abated.

Approved, March 30, A. D. 1905.

OF FREE SCHOOLS.

CHAPTER 88.

OF FREE SCHOOLS.

AN ACT to amend an Act entitled "An Act concerning the Establishment of a General System of Free Public Schools", approved May 12, 1898, being Chapter 67, Volume 21, Laws of Delaware, by fixing salary to be paid members of County School Commission.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Chapter 67, Volume 21, Laws of Delaware, being an Act entitled "An Act Concerning the Establishment of a General System of Free Public Schools", Approved May 12*, 1898, be and the same is hereby amended by striking out the "thirty" in the eighth line of Section 5 thereof, and inserting in lieu thereof the word "seventy-five".

Chapter 67,
Volume 21,
amended, in-
creasing the
salary of
County School
Commissioner.

Approved, April 13, A. D. 1905.

*So Enrolled.

OF FREE SCHOOLS.

CHAPTER 89.

OF FREE SCHOOLS.

AN ACT to amend Section 27 of Chapter 67, Volume 21, Laws of Delaware, entitled "An Act concerning the Establishment of a General System of Free Public Schools," Approved May 12, 1898, by increasing the salary which may be paid teachers in un-incorporated districts out of the School Fund.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 27 of
Chapter 67,
Volume 21,
amended in-
creasing limit
of salary.

Section 1. That Chapter 67, Volume 21, Laws of Delaware, be an Act* entitled "An Act concerning the Establishment of a General System of Free Public Schools," approved May 12, 1898, be and the same is hereby amended by striking out the word "thirty-five" in the thirteenth and fourteenth lines of the third paragraph of section 27 of said Act, and inserting in lieu thereof the word "forty".

Approved, March 16, A. D. 1905.

*So Enrolled.

OF FREE SCHOOLS.

CHAPTER 90.

OF FREE SCHOOLS.

AN ACT to amend Chapter 341, Volume 22, Laws of Delaware, entitled "An Act to encourage the Education at Normal Schools of certain persons intending to teach in the Public Schools," approved March 26, 1903, providing that the County School Commissions may select pupils from any part of the State.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Chapter 341, Volume 22, Laws of Delaware, entitled "An Act to encourage the Education at Normal Schools of certain persons intending to teach in the Public Schools," approved March 26, 1903, be and the same is hereby amended by striking out all of the first paragraph of Section 2 of said Act, and inserting in lieu thereof the following, which shall, after the approval hereof, be known as the first paragraph of Section 2 of said Act: "To carry out the objects of this Act, each of said Commissioners shall have the right in each year to select any person or persons then being residents of the State, as shall be approved by the Superintendent of Public Schools in the County in which said applicant resides."

Chapter 341,
Volume 22
amended.

County School
Commissioner
may select
student from
any part of
State.

Approved, March 20, A. D. 1905.

OF FREE SCHOOLS.

CHAPTER 91.

OF FREE SCHOOLS.

AN ACT to repeal an Act entitled "An Act to amend Chapter 67 of Volume 21, Laws of Delaware, by changing the date of holding the stated annual School Meetings in Kent and Sussex Counties" being Chapter 114, Volume 22, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Chapter 114,
Volume 22
repealed.

Section 14,
Chapter 67,
Volume 21
re-enacted.

Section 1. That Chapter 114, Volume 22, Laws of Delaware, be and the same is hereby repealed, and Section 14 of Chapter 67, Volume 21, Laws of Delaware, be and the same is hereby re-enacted as it was prior to the enactment of the amendments made in Chapter 114, Volume 22, Laws of Delaware.

Approved, April 13, A. D. 1905.

CHAPTER 92.

OF FREE SCHOOLS.

AN ACT to provide for the organization and control of the Public Schools of the City of Wilmington.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring therein):

City of Wil-
mington Con-
solidated
School District.

Section 1. That the City of Wilmington with the territory within its limits, or which in the future may be included by additions thereto, shall be and constitute a consolidated school district, and the supervision and government of public schools and public school property therein shall be vested

OF FREE SCHOOLS.

in a board of thirteen members, to be called and known as the "Board of Public Education in Wilmington". Said Board of Education as hereinafter constituted, is hereby created a corporation, having perpetual existence and succession, and by and in said name shall have power to purchase, lease, receive, hold and sell property, real and personal, sue and be sued, and to do all things necessary to accomplish the purposes for which such school district is organized, and shall succeed to and be vested with, and be seized and possessed of all the privileges and property of whatever kind or nature granted or belonging to any previous school corporation, or Board of Education, or school districts in the City of Wilmington and said territory, or officers thereof authorized or empowered by an enactment of the General Assembly of the State to do anything in reference to public education, or to hold any of said property.

Board of Education.

Incorporated.

Powers.

Section 2. The Board of Education in Wilmington shall have general and supervising control, government and management of all the public schools and all public school property of the city; shall exercise generally all powers in the administration of the public school system therein, appoint such officers, agents and employees as it may deem necessary and fix compensation; shall have power to fix the time of its meetings, to make, amend and repeal rules and by-laws for its meetings and proceedings, for the government, regulation and management of the public schools and school property of the city, and for the transaction of its business. The said board also shall have power:

Powers and duties.

1. To establish kindergartens, elementary schools, one or more high schools, manual training schools, or classes, evening school, special and truant schools, training schools or classes for teachers, and to discontinue or consolidate any of such schools.

Kindergartens.

2. To establish or change the grades of all schools and to adopt and modify courses of study therefor.

Grades.

3. To fix a standard of minimum qualifications as a necessary requirement for the service of all superintendents, principals and teachers, to fix their salaries, and to dismiss them at any time for incompetency, neglect of duty or immorality;

Of teachers and their qualifications, salary etc.

OF FREE SCHOOLS.

- after an impartial hearing of charges to prescribe and enforce such rules and conditions as it may deem proper for the admission, suspension or expulsion of pupils of said school.
- Admission, etc. of pupils.**
- School building and equipment thereof.** 4. To purchase, lease or improve land and sites for school houses and school purposes; to build, purchase, lease, enlarge, improve, alter and repair school houses and their appurtenances; to purchase, improve, exchange and repair school apparatus, books, furniture and appendages; to procure fuel and defray the contingent expenses of schools under its control; to pay the salaries and wages of all officers, principals, teachers and employees of said Board of Education.
- Salaries.** 5. To appoint as herein provided:
- Secretary.** 1. A Secretary of the Board of Education, who will serve during the pleasure of the Board.
- Superintendent and assistant.** 2. A Superintendent of Public Schools who shall serve during the pleasure of the Board. The Board may from time to time appoint one or more persons to assist the Superintendent in the discharge of his duties.
- Rules and regulations.** 6. The Board of Public Education shall have power to enact rules and regulations for the proper execution of all duties devolved or devolving upon said Board, its members and committees; for the transaction of all business pertaining to the same; for defining the duties of all its officers, clerks, superintendent, principals, teachers, subordinates and employees; for regulating the manner of making disbursements from any of the funds appropriated for school purposes; for the execution of all powers vested in it by law, and for the promotion of the welfare and best interests of the public schools and public school system of the city.
- Board of Education, number.** Section 3. On and after the thirtieth day of June, 1905. the Board of Education in Wilmington shall be composed of thirteen members, one of whom shall be elected from each of the wards of the said city by the electors residing in each ward respectively, and the remaining member who shall be
- President, how chosen.** the President, shall be elected by the electors of the city at large. At the city election for members of the Board of Education to be held on the second Saturday in June 1905, one member of said Board shall be elected from the residents
- When to be elected.**

OF FREE SCHOOLS.

in each of said wards by the electors residing in each ward respectively. Members from the first, third, fifth, seventh, ninth and eleventh wards shall be elected for the term of two (2) years; those from the second, fourth, sixth, eighth, tenth and twelfth wards for the term of four (4) years. The President shall be elected for the term of four (4) years. Their terms of office shall commence on the thirtieth day of June, 1905, at 12 o'clock noon. At an election to be held biennially on the second Saturday of June in the city of Wilmington next preceding the expiration of the terms of any of the said members of the Board of Education their successors shall be elected for a term of four years each. Removal of any member of said Board from the ward from which such member was elected shall create a vacancy in his office. In case a vacancy shall occur in the office of a member of the Board of Education for any cause, the remaining members of said Board shall fill such vacancy by the appointment of a suitable person from the ward where such vacancy occurs, qualified by law to be elected thereto; and the person so appointed shall hold office by virtue of such appointment, until the thirtieth day of June following the next succeeding biennial school election, at which election a member shall be elected, as provided in this Act, for the unexpired term. In case a vacancy shall occur in the office of the President, the Board shall fill such vacancy by the appointment of one of its members qualified by law to be elected thereto; and the person so appointed shall hold said office of President by virtue of such appointment until the thirtieth day of June following the next and succeeding biennial school election, at which election a new President shall be elected, as provided in this Act.

Terms.

Vacancy.

How to be filled.

Term of appointee.

Vacancy of President, how filled.

Term of appointee.

Section 4. The members of the Board of Education shall be at least twenty-five years of age, and shall have been residents of the City of Wilmington for at least three years immediately preceding their election; said members shall have been bona fide free holders in said city for at least one month before their election, and must be qualified to vote at School Elections. They shall be ineligible to any elective or appointive office under such Board of Education while holding membership in said Board. They shall not be interested either directly or indirectly in any contract with or claim

Qualification of members.

Ineligible to what offices.

Interest in contract disqualifies.

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against the said "Board of Public Education in Wilmington". If at any time after the election of any member of said Board, he shall become interested in any such contract with or claim against said Board, he shall thereupon be disqualified to continue as a member of said Board, and a vacancy shall thereby be created. Every member of said Board shall, before assuming the duties of his office, take an oath or affirmation before some one qualified to administer oaths, that he possesses all of the qualifications required by this Act, that he will honestly and faithfully discharge the duties of his office, that he will not, while serving as a member of said Board, become interested, directly or indirectly, in any contract with or claim against said Board, and that he will not be influenced, during his term of office, by any political or sectarian considerations, or by anything except that of merit and fitness in the appointment of officers and the engagement of employees, and that he is a bona fide resident of the ward from which elected. No compensation shall be received by members of the Board; but they shall be exempt from jury duty during their term of office. Each member, before entering upon office shall take the following oath or affirmation: I, _____ do solemnly swear (or affirm) that I have been a bona fide freeholder in the City of Wilmington for the period of one month prior to my election, and a qualified voter in the ward for which I am chosen a member of the Board of Public Education in Wilmington; that I will diligently and faithfully perform the duties of a member of said Board according to the best of my knowledge and judgment; and that I will not be controlled in any vote or action as a member of said Board from political or partisan considerations. Such oath or affirmation may be administered by the president, secretary, or any member of the Board as well as by any officer by law authorized to administer oaths or affirmation.

Oath.

Compensation.

Form of oath.

By whom to be administered.

Removal of member for what reasons.

Notice of charges.

The Board may remove any of its members upon proof, either of official misconduct in office, or of negligence of official duties, or of conduct in any manner connected with his official duties which would tend to bring discredit to his office or the school system, or of mental or physical inability to perform his duties as a member of said Board; but before such removal of said member, he shall receive due and timely

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notice in writing of the charges against him, and a copy thereof, and shall be entitled to a hearing before said Board, and to the assistance of counsel at said hearing.

Section 5. Elections for said Board shall be held under the provisions of the general laws governing city elections, so far as they are consistent with the provisions of this Act. Not later than fifteen days before any election for members of the Board of Education provided for in this Act, electors qualified under the provisions of this Act may present names of candidates for election as members of said Board of Education to a board of canvassers, consisting of the President of the Board of Education, the Mayor, the Treasurer and the City Solicitor of the city, in the manner following: Each candidate shall be proposed in writing by not fewer than twenty-five of said qualified electors. No more than one candidate may be named in any one petition, and no person may sign more than one petition for any one election. Candidates for election in each of the wards must be proposed by qualified electors residing in the respective wards. The candidate for election for President from the city at large, may be proposed by qualified electors resident in any part of the city. Said proposition or petitions nominating candidates for said Board of Education shall be filed with the Secretary of said Board, who shall be ex-officio the Secretary of the said board of canvassers. Upon the presentation of such petitions to the board of canvassers, the said board of canvassers shall publish at the expense of the said Board of Public Education for five secular days next preceding said school elections, and the names so proposed, in at least two daily newspapers of the city, and shall certify at the time required by law such nominations to the Department of Elections for said city. Said Department of Elections shall prepare ballots in form as hereinafter directed printed on plain paper, at the expense of the said Board of Public Education, containing the names of all such candidates, arranged in an order to be determined according to lot by said board of canvassers. Ballots to be used at such school elections shall contain the words "School Election in first ward and likewise for each of the other wards", the date of holding said election, the names of the candidates arranged in so many groups as may be necessary so that there may be appropriate

Hearing.

Elections, how held.

Manner of naming candidates.

Manner of nominating.

Petitions of nominations filed with whom.

Names published in two newspapers.

Ballots, how prepared.

Form of ballots

OF FREE SCHOOLS.

designations and directions at the head of each group showing the terms for which the persons therein were nominated, whether they are nominees for such ward or for the city at large, and the number of persons who may be voted for in each group. The electors shall designate their choice of candidates to be voted for in each of such groups by drawing a line through the names of all persons in each group except those candidates in each group desired to be voted for by them. Defective designation of an elector's choice in one or more of such groups of candidates shall not invalidate said ballot so far as there shall appear to be a proper designation of choice in any other of said groups of candidates. Such ballots shall be voted at said special election and deposited in a ballot box provided by the said Department of Elections for such purpose. The name of any candidate shall not be thus published and placed on the official ballot by said board of canvassers if it shall appear that he is ineligible for membership on the said Board of Education under the provisions of Section 4 of this Act. The candidate or candidates to be elected from each School Election District receiving the plurality of votes from such district, and the candidate or candidates to be elected from the city at large receiving the plurality of votes for the city at large shall be declared elected. It at any election a member is to be chosen to fill a vacancy and to serve out an unexpired term, candidates may be chosen as above provided.

Electors, how to vote. Section 6. Said members of the Board of Education shall be chosen by ballot in manner and form hereinbefore provided by the residents of the city who shall have been qualified to vote at the last preceding city election.

Ballots, how voted.

What candidates name not published.

Plurality of votes determine.

Qualifications of electors.

Proviso. Provided that every female inhabitant of said city who is of the age of twenty-one years and upwards, and has resided within said city for three months next preceding the election for members of the Board of Public Education in Wilmington, and in the ward where she offers to vote for at least one month next preceding said election, and who shall also be a bona fide freeholder within said city and shall have been assessed for and paid a school tax for the City of Wilmington for the preceding year, shall be entitled to vote for members of said Board. In the absence of objection or

Female inhabitant, when may vote.

OF FREE SCHOOLS.

challenge, the production of a receipt for said school tax shall be prima facie evidence of the right of said female inhabitant to vote at said school election. In case of objection to or challenge of said female voter, the inspector of said election shall cause said female voter offering to vote at said election to take the following oath:

Tax receipt
prima facie
evidence of
right to vote.

Challenge.

I, do swear (or affirm) that I am of the age of twenty-one years or upwards, and have resided within the City of Wilmington for three months last past, and in the ward where I now offer to vote for at least one month last past.

Oath of female
when chal-
lenged.

The taking of said oath shall not relieve said female inhabitant offering to vote as aforesaid from the production at said election of the receipt for said school tax as aforesaid.

Every female inhabitant of said City possessing the requirements above specified, shall be qualified to vote at all elections for members of said Board, and if 25 years of age or upwards, shall also be eligible for membership in said Board.

Female inhabi-
tant right to
vote.

Eligible to
membership
in Board.

No member of City Council shall be a member of the Board of Public Education. The Board of Education shall appoint a place or places for holding the school election in each ward, and give notice thereof in two or more newspapers published in the City of Wilmington for ten days previous to the time of holding said election, and shall also give at least four days' notice thereof by hand bills, under the name of the Secretary of the Board, posted in four or more of the most public places in each ward. The Department of Elections of the City of Wilmington shall, at the request of said Board, appoint three men as Inspectors for each polling place designated as aforesaid, whose duty it shall be to hold said election and judge of the qualifications of voters, and otherwise conform to the requirements of law in that behalf. The three Inspectors thus appointed for any polling place shall be from among those persons who at the last preceding city election acted as Inspectors within the ward in which they are appointed to hold the school election, and they shall not all be of the same political faith. Two of said Inspectors may act as clerks, and as a part of their duties shall

City Council-
men ineligible
to Board
Place of elec-
tion fixed by
Board.

Notice.

Officers of
Election.

Minority party
represented.

OF FREE SCHOOLS.

keep a list of the names and residences of electors who shall have voted at each polling place. The election of members of the Board shall be held on the second Saturday in June in the year nineteen hundred and five, and at the same time in every second year thereafter. Said election shall be held in the afternoon, the polls being opened at twelve o'clock or within thirty minutes thereafter, and closed at six o'clock. If the Inspectors appointed and directed as aforesaid to hold said election shall refuse to serve or are not at the place of election at the time of opening the polls, the voters present, shall by plurality, without ballot, choose an officer or officers for holding the election in the place of the one or more so refusing or not present. The officers holding the election shall, before opening the election, each take an oath or affirmation as follows:

Oath of election officers. I, _____, do solemnly swear (or affirm) that in holding the election this day for members of the Board of Public Education in Wilmington, I will faithfully discharge my duty and make true certificates thereof and deliver the same according to law, so help me God (or, I solemnly affirm).

Organization of election officers. The Inspectors appointed or chosen as aforesaid to hold said election shall meet at the polling places to which they are allotted, and shall organize as a Board by selecting one of their number to act as chairman, but in case of failure to so organize within fifteen minutes after the time fixed for meeting, the chairman shall be selected by lot. The Inspector selected as chairman is authorized to administer the oath or affirmation hereinbefore provided to the other Inspectors and either of them to him or to each other.

Chairman.

Voter challenged. Any person applying to vote for members of said Board may, on any day of election, be challenged by any qualified voter of the City of Wilmington; and any one of the Inspectors of election at the polling place where said person is challenged may, at any such time or times, and one of them shall, administer to any male person challenged the following oath or affirmation:

Oath to challenged voter. You do swear (or affirm) that you will fully and truly answer such questions as shall be asked you touching your

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qualifications as an elector, so help me God (or so you solemnly affirm).

Any person who may be offered as a witness to prove the qualifications of any person so claiming the right to vote, shall also be sworn or affirmed in like manner. Any person refusing to take such an oath or affirmation, if so required, or refusing to answer such questions as may be asked touching his qualifications as an elector, shall not be permitted to vote. If any person, male or female, taking an oath or affirmation provided for in this Section, shall swear falsely, he shall be deemed guilty of perjury, and upon conviction, shall be punished by fine or imprisonment, or both, at the discretion of the trial court.

When voter
may be refused.

Perjury.

It shall be the duty of the Department of Elections for the City of Wilmington, on or before the hour of 12 noon, on the day of the holding of any election for members of said Board provided for in this Act, to deliver at the places for holding of said elections so designated by the Board of Public Education in Wilmington, all books of registered voters used at the next preceding city election, containing the names of residents within the voting district for which said polling place is designated as aforesaid. Said books of registered voters shall be used by the officers holding said school election to determine the qualifications of all males offering to vote at said election and who are qualified to vote at school elections, and at the close of the polls of said election, shall be forthwith returned to the said Department of Elections.

Department of
election, its
duty.

Books of regis-
tered voters.

The officers holding said election shall, upon the closing of the polls, forthwith proceed to count the votes for the several candidates voted for at said election, and shall prepare and severally sign duplicate returns of said votes upon blanks furnished said election officers by the said Board of Public Education in Wilmington. One of said duplicate returns shall, together with the ballots cast at said election, and the list of electors who shall have voted, be deposited in the ballot box, which box shall be thereupon securely sealed and retained in the exclusive custody of the chairman of the election officers of the respective polling places until the meeting of the Board of Canvass as hereinafter provided. The other certificate of said return shall be forthwith de-

Returns of
election.

To whom
delivered.

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livered to the Secretary of the said Board of Public Education in Wilmington.

Board of
canvass.

That on the Monday following the holding of any city school election the chairman of the election officers of the respective polling places where said elections have been held as aforesaid, shall, at eleven o'clock in the forenoon, meet at the rooms of the Board of Public Education in Wilmington, where the meetings of said Board are usually held, and shall there produce the said ballot boxes, together with their contents, and shall proceed forthwith to canvass the returns of the vote for the candidates for said Board, using for the purpose of the said canvass and the determination of the votes cast for any candidate for said Board, the certificates of election returns theretofore deposited with the Secretary of said Board.

When ballot
boxes may be
opened.

When ballots to
be recounted.

Recourse to the certificate of election returns remaining in the ballot boxes shall be had by said Board of Canvass only in case of the absence, illegibility, defacement or alteration of the certificate theretofore deposited with the Secretary of said Board. Recourse to the ballots in any one said ballot boxes shall be had only in case of a sworn allegation of the fraudulent miscount or false certification by the election officers at any polling place of the ballots cast at such polling place.

Certificates of
results.

To whom
delivered.

That upon the canvass of said vote, the members of said Board of Canvass, or a majority of them, shall then immediately make out a sufficient number of certificates of the result of said election upon blanks to be furnished them by the said Board of Public Education in Wilmington, under their hands, and shall within two days thereafter, deliver one of said certificates to the Secretary of the said Board and one to each member elect.

Board to orga-
nize when.

The said Board shall meet for organization on the thirtieth day of June immediately after said biennial election, or on the twenty-ninth of June should the thirtieth day of June fall on Sunday; and it shall be the judge of the election of its own members.

That all and every of the acts and duties relative to the said school election imposed upon or vested in the said Board

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of Public Education in Wilmington, shall, so far as the first of said school elections to be held under this Act, be imposed upon and vested in the de facto Board of Public Education in Wilmington in existence upon the approval of this Act.

Duties relative to first school election voted in de facto Board.

Said election officers shall be entitled to similar compensation and the expenses of the holding of said elections shall be paid by said Board of Education in a similar manner as is provided by law in the case of other city elections.

Compensation of election officers.

Section 7. If any person not having the right to vote at any election held under this Act shall vote at such election, or if any person shall vote in a voting district in which he does not reside, or if any Inspector or assistant shall knowingly take the vote of a person not having a right to vote, or shall neglect or refuse to make and deliver certificates of any election as required by Section 6 of this Act, every such person, Inspector, or assistant, shall be guilty of a misdemeanor, and upon conviction, shall forfeit and pay a fine of Fifty dollars to be paid to the Board aforesaid for the benefit of the schools under their charge.

Misdemeanor.

Penalty.

Section 8. The Board of Education shall increase the number of schools and improve the condition thereof and do all acts necessary for establishing and maintaining said schools as they shall deem expedient and necessary until there are sufficient schools to accommodate all the children and minors residing in the City of Wilmington whose parents or guardians desire for them the benefit thereof; provided always, that the schools for white children and minors shall be separate and distinct from the schools provided for colored children and minors. If there shall be accommodations in such schools in excess of what may be necessary for the seating and instruction of such resident pupils, the said Board may admit to any of such schools such number of non-resident pupils residing outside the city limits in the State of Delaware, as said Board may deem proper and upon such terms and conditions as said Board may from time to time prescribe.

Board to increase school facilities.

Proviso, not to establish mixed schools.

When outside pupils may be admitted.

Section 9. Seven members shall form a quorum for the transaction of business. The officers of the Board shall be a President, who must be a member, a Secretary, and such

Quorum.

Officers.

President.

OF FREE SCHOOLS.

other officers and agents as may be found necessary. The Board may appoint a person not a member of the same, Secretary thereof, prescribe his duties, require from him bonds with surety for his faithful performance of said duties, if deemed expedient, and allow him compensation for services by stated salary or otherwise, as may be considered proper.

Secretary. The Board shall, during the month of April in each year, cause to be prepared and laid before them estimates of their probable revenue and expenses for the ensuing fiscal year, which estimates they shall lay before the Council on or before the first stated meeting of Council in May following. At the time of presenting to Council said estimates of revenue and expenses, the Board shall, if necessary, also in addition thereto, present to Council an estimate not to exceed Twenty Thousand dollars for the erection or extension of school houses and for furniture and heating apparatus for the same. The said Board, early in June in each year, after the Council shall have made appropriation for the use of the public schools for the following fiscal year as hereinafter mentioned, shall make appointment and appropriations for their expenditures for that year, based as nearly as may be, upon the estimates made by them in April previous, and such apportionment and appropriations shall be specified and arranged under the heads or items designated in said estimates. The expenditures of the year under any head or item of appropriation, shall not exceed that item of appropriation unless the same be voted for by two-thirds at least of all the members of said Board, a record of which vote shall be made upon the minutes. Under no circumstances shall the appropriation for the erection or extension of school houses, and for furniture and heating apparatus for the same, be used for any other purpose. The said Board shall have no power or authority, except when specially authorized by act of the General Assembly, to borrow money, or contract or create any debt or liability except ordinary debts and liabilities incurred in executing the duties imposed on them by law, to be paid out of the said appropriation made by Council and the receipts of the year for the time then current; no money shall be paid from the treasury of the Board unless the same shall have been appropriated as aforesaid.

Board in April make estimate of revenue and expenses.

Present same to City Council in May.

Estimate of construction of school houses.

Board in June to appropriate.

Appropriation for construction not to be used for any other purpose.

No power to borrow money.

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Section 10. The said Board shall, during the month of July in each year, cause to be published, in two or more of the newspapers of the City of Wilmington, a full report of their accounts and proceedings during the past year, setting forth aggregates under appropriate heads. The Board shall also depute one of its members, together with the Secretary of the Board, to attend with and lay its accounts before the Council at the next regular meeting following such publication, and also to settle with the State Auditor.

Accounts to be published in two newspapers

Also to City Councils.

Section 10*. The City Auditor shall examine all bills against said Board and endorse them as correct before they are presented to said Board for payment; he shall also examine and countersign all drafts or orders and withhold his signature in case the draft or order is made without sanction of law, or with any circumstances of fraud actually or presumably attached thereto, in all of which cases he shall report his action and the grounds therefor to the said Board at their ensuing meeting; said Board shall thereupon duly, carefully and publicly consider the case and shall sustain or overrule his action by a vote of (2-3) two-thirds of all the members elected to said Board, whereupon it shall be the duty of the City Auditor in case he shall be overruled to countersign the said draft or order, in which case he shall be exonerated from all responsibility in the premises. He shall also keep a book in which an exact copy of the receipts and expenditures of said Board shall be entered. All money received by the said Board from sales of articles, or from any source whatsoever shall be deposited with the City Treasurer for which a receipt shall be taken. The City Treasurer shall immediately deposit said funds in such bank as may be designated by said Board, and the orders or warrants drawn against such funds, shall be drawn and signed by the Secretary of the Board, signed by the President and countersigned by the City Auditor and City Treasurer. The City Treasurer upon depositing the funds of said Board shall make a certificate of Deposit in triplicate, which shall be signed by the authorized agent of the bank, one of each certificates shall be delivered to the City Auditor, one to the Secretary of the Board and the third be retained by the City Treasurer. The City Treasurer shall pay out all warrants or

City Auditor, his duty respecting school expenditures.

Course of payment of bills not approved by City Auditor.

City Auditor's, to contain what.

City Treasurer's duty respecting funds.

Drafts on funds, how drawn.

City Treasurer, how to deposit funds.

*So Enrolled.

OF FREE SCHOOLS.

Books to be kept by City Treasurer.

orders and shall take receipt for same. He shall keep a Cash Book containing the receipts and expenditures of said Board and shall render a statement of the financial condition of said Board at each meeting.

Council to determine amount of tax for school.

Section II. The Council shall, every year, when determining the amount necessary to be raised on the persons and estates in the City of Wilmington for public use, also include the sum necessary to be raised on the persons and estates for

Proviso.

executing the foregoing provisions; provided, that the amount to be raised for current school expenses as aforesaid in any one year shall be exclusive of the amount designated for the erection or extension of school houses and for furniture and heating apparatus for the same. The amount collected for school purposes shall be paid into the city treasury as other taxes are paid. At the time of making the annual

Council to appropriate for current school uses, certain sum.

appropriations for public use, the Council shall also make an appropriation for current school expenses equal in amount to that annually computed and laid before said Council by the "Board of Public Education in Wilmington"; provided that

Proviso.

the sums so computed and appropriated shall be exclusive of the amount designated for the erection or extension of school houses and for furniture and heating apparatus for the same; and, provided further, that any demand made by the Board upon the Council for ordinary and current expenses, exclusive of the amount required for the erection or extension of school houses and for furniture and heating apparatus for the same shall not exceed One Hundred and Eighty-two Thousand dollars for the fiscal year A. D. 1905-6 and the increase shall not for any succeeding fiscal year, be greater than one and one-half per cent. additional upon the aggregate amount for the fiscal year preceding. The Council shall appropriate annually for the erection or extension of school houses and for furniture and heating apparatus for the same the amount estimated by said Board therefor not to exceed Twenty Thousand dollars per annum.

Limit of sum appropriated for school purposes.

Amount to be appropriated for buildings, etc.

Limit.

Proviso, when costs for buildings, etc. exceed the limit, how to be met.

Provided, however, if the amount appropriated by the Council for the erection or extension of school houses, and for furniture and heating apparatus shall not be sufficient to meet the expenses for which it was appropriated the said Board shall have the right to meet such deficit by using other

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money in their hands appropriated by said Council for school purposes, provided they shall not use an additional sum of more than Ten Thousand dollars for any one year.

Section 12. The amount of the appropriation for the current school expenses so made by the Council shall be paid in full, in twelve equal installments, on the second Monday in each and every month during the year, by the City Treasurer, upon orders drawn by the aforesaid Board, under the hand of the President, attested by the Secretary. The amount appropriated for the erection or extension of school houses and for furniture and heating apparatus for the same shall be paid by the City Treasurer on or before the first day of August of the fiscal year, for which the same was so designated and raised.

School appropriations, how to be paid.

Section 13. The said Board shall have the right to draw dividends from time to time made and entered to the credit of the School Districts Nos. 3, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20½, 78, 78¼, 78½ and 102 in New Castle County, constituting the Public School District of Wilmington in the account of the trustees of the State School fund with said district respectively; and it shall be the duty of the said trustees to pay said dividends upon an order signed by the President of said Board and attested by the Secretary, accompanied by a certificate signed and attested in like manner, that the said Board has received for the benefit of public schools under their charge a sum equal to the aggregate of the sums required to be paid in every of the said districts in order to the drawing of the said dividends, the said Board being substituted for the school committee of the united school districts composed of the school districts aforesaid.

State funds to be drawn by Board.

Drafts, how to be signed.

Certificate, what to contain.

Section 14. All property, real or personal, vested in the Board of Education in Wilmington shall be exempt from all kinds of taxes, and from sale or execution or other writ or order in the nature of an execution. It shall also be exempt from the payment of water taxes or rents in all buildings used for school purposes; all sewer connections for school use shall also be without tax or charge.

Property vested in Board exempt from taxation.

Section 15. The City Solicitor shall be the legal adviser and attorney for the Board of Education; he shall prosecute

City Solicitor attorney for Board.

OF FREE SCHOOLS.

all actions against a member, officer, agent or employee of the Board of Education for malfeasance or misfeasance in office; he shall be the legal counsel of said Board, or officers thereof, in all civil actions brought by or against it, and shall conduct the same in his official capacity. No compensation other than the regular salary shall be allowed for such service.

His duty.

Compensation.

Board to pay to
Wilmington
Institute
certain sum.

Section 16. Said Board of Public Education shall annually, from the funds appropriated to its use as aforesaid appropriate and pay over to the Wilmington Institute, in manner and form as is provided in the Act entitled "An Act respecting a free library and to increase the usefulness of the schools of Wilmington," passed at Dover, April 26, 1893, the sums of money prescribed by said Act, and "The Council" of the City of Wilmington shall annually appropriate for the use of said Board of Public Education, in addition to the appropriations for said Board hereinbefore provided for, such sum and sums of money as shall reimburse to the said Board the excess of the payments made by said Board to the said Wilmington Institute in any year under the provisions of the Act aforesaid above the amount paid by said Board to said Institute in the fiscal year 1904-5.

City Council
to reimburse
Board for such
payments.

Work to be
done and sup-
plies needed to
be awarded to
lowest bidder.

Section 17. For all work and labor hereafter required to be done, and goods, chattels, wares, merchandise, materials, tools and machinery to be furnished, or had and used by or for account of the said Board, where the cost in any particular case will probably exceed the sum of One Hundred dollars, the committee having such business in charge, shall publicly invite sealed proposals for the doing of such work and the furnishing of such goods, chattels, wares, merchandise, materials, tools and machinery, and give the contract to the lowest bidder or bidders; provided that they may require from all or any of the bidders security for the faithful performance of their contract.

Bidder to give
bond.

Section 18. All Acts and parts of Acts inconsistent herewith are hereby repealed.

Section 19. This Act shall be deemed and taken to be a public act.

Approved, March 30, A. D. 1905.

OF FREE SCHOOLS.

CHAPTER 93.

OF FREE SCHOOLS.

AN ACT authorizing and empowering "The Board of Public Education in Wilmington" to issue bonds covering the real estate of said corporation for the purpose of raising sums of money to be used in erecting, furnishing and equipping new school houses in the City of Wilmington.

Whereas, by the charter of "The Board of Public Education in Wilmington," a sum of money not exceeding Twenty Thousand dollars per annum is to be paid the said corporation by the Mayor and Council of Wilmington for the purpose of erecting and equipping new school houses in the City of Wilmington; Preamble.

And Whereas, by an Act of the General Assembly of the State of Delaware, Approved March 8, 1901, being Chapter 170 of Volume 22, Laws of Delaware, "The Board of Public Education in Wilmington" was and is directed to pay off certain certificates of indebtedness issued for the payment of the New High School and the buildings connected therewith out of the annual amount of money which the said Board was and is authorized to expend yearly for new buildings as above stated; Preamble.

And Whereas, it may be necessary to erect new school buildings in the City of Wilmington during the period required to pay off said certificates of indebtedness; therefore, Preamble.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of all the members elected to each House concurring herein):

Section 1. That "The Board of Public Education in Wilmington" be and it is hereby authorized and empowered to borrow money for the purpose of erecting and equipping new school houses in the City of Wilmington and to issue bonds secured by the school buildings and property of said Board for the payment thereof with interest; provided, said Board shall not borrow more than the sum of Twenty Thousand dollars in any one year for the purposes hereinabove set forth; and Provided further, that the right herein vested in Board authorized to borrow money to erect, etc. new school houses and issue bonds.

Limitation of sum to be borrowed.

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Time within which Board may borrow. said "The Board of Public Education in Wilmington" to so borrow money and issue bonds therefor shall cease at the expiration of seven years from the date of the approval of this Act.

Board to determine when bonds to be paid.. Section 2. The payments of said above mentioned bonds shall be made at such times and in such manner as the said "The Board of Public Education in Wilmington" shall, by resolution, prescribe and appoint; provided, said bonds shall be paid off out of the amount of money which the said Board is authorized to expend yearly for new buildings.

From what fund payable.

Bonds, how executed.

Section 3. All of said bonds shall be signed by the President of the said Board and attested by the Secretary of the said Board, and have affixed thereto the common or corporate seal of the said "The Board of Public Education in Wilmington."

Approved, April 6, A. D. 1905.

OF FREE SCHOOLS.

CHAPTER 94.

OF FREE SCHOOLS.

AN ACT to amend an Act entitled "An Act to establish a Board of Education for the City of New Castle, and to incorporate the same, and for other purposes," passed at Dover March 10th, 1875.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (with the concurrence of two-thirds of all the members elected to each House of the General Assembly).

Section 1. That Section 5 of the Act entitled "An Act to establish a Board of Education for the City of New Castle, and to incorporate the same, and for other purposes," passed at Dover March 10th, 1875, and published in Volume 15 of the Laws of Delaware, as Chapter 54, page 98, be and the same is hereby amended by striking out the words "Monday next preceding the first Saturday in March," where they occur in the third line of said Section, and inserting in lieu thereof the words "fifteenth day of July."

Section 5,
Chapter 54,
Volume 15,
amended
changing time
to publish re-
port of Board.

Section 2. That this act shall be applicable to the current year of 1905.

Approved, March 2, A. D. 1905.

OF FREE SCHOOLS.

CHAPTER 95.

OF FREE SCHOOLS.

AN ACT authorising "The Mayor and Council of New Castle" to borrow Fifteen Thousand Dollars (\$15,000) for the purpose of building and furnishing a new school house for "The Board of Public Education for the City of New Castle."

Preamble.

Whereas it will soon become necessary to provide additional school facilities for the children of many persons who contemplate in the near future coming to and residing within the City of New Castle, therefore.—

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (with the concurrence of two-thirds of all the members elected to each House of the General Assembly).

City of New Castle authorized to borrow \$15,000 for building school houses, when.

Section 1. That "The Mayor and Council of New Castle", upon the written request of "The Board of Public Education for the City of New Castle", setting forth that it has become necessary to acquire, build, purchase or erect an additional School house in the City of New Castle, to properly provide for the public education of the children of said City, "The Mayor and Council of New Castle" shall be and it hereby is authorized, empowered and directed to borrow upon the credit of said City such sum or sums of money as may be deemed necessary by said "The Board of Public Education for the City of New Castle" not exceeding in the aggregate the sum of Fifteen Thousand dollars (\$15,000), and for that purpose may issue certificates of indebtedness of such denominations or amounts in such form and bearing such rate of interest not exceeding five per cent, as the said "The Mayor and Council of New Castle" may deem expedient and proper. The said certificates of indebtedness shall all bear the same date, and the whole amount borrowed shall be due and payable in the following proportions and manner, that is to say,—One-third thereof on or before the expiration of ten years from the dates thereof,—one-third on or before the expiration of twenty years from the dates thereof,—and the

Bonds.

Rate of interest

When payable.

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remaining one-third thereof on or before the expiration of thirty years from the dates thereof,—so that the entire sum borrowed may be satisfied and paid in thirty years from the dates of the said certificates of indebtedness. The interest upon the said monies borrowed may be paid annually or semi-annually as the City Council of New Castle may deem expedient. The said bonds shall be signed by the Mayor, the President of City Council, be sealed with the corporate seal of said City, and be attested by the clerk of Council. Any and all sums of money borrowed as aforesaid shall be paid over to the treasurer of the said “The Board of Public Education for the City of New Castle,” to be drawn out and used by it, for the purpose of acquiring lands or buildings by purchase or otherwise, for the construction, erection, supplying and furnishing suitable, additional buildings for public school purposes, to be controlled and managed by it as the present school buildings are. All work, labor and materials incident thereto, shall (when they shall exceed in any case Three Hundred dollars) be given and let out upon contract, upon bids and proposals published for the same to the lowest and best bidder in the judgment of the said Board of Education. As soon as the said building or buildings are completed and ready for occupancy the said Board of Education shall print, publish and submit to the said City Council and the residents of said City a full, accurate and detailed account of all the monies received by it for the purposes aforesaid and its disbursement thereof with the vouchers. Should there be any surplus remaining after the said work is done, it shall be held by the said Board of Education and used by it as a separate fund, exclusively for keeping the school buildings and furniture thereof, in its charge, in repair; and it shall account in detail for the same to the said City Council when called upon for that purpose.

How executed.

Funds, used
for what
purpose.Work given
out upon bids.Board to pub-
lish account of
money received
and paid out.Surplus to be
used for
repairs.

Section 2. If it should become necessary to purchase lands or buildings for the purposes herein contemplated and intended, the title thereto shall be taken and vested in the said “The Board of Public Education for the City of New Castle,” and their successors in fee-simple but to and for the uses of Public Education in the City of New Castle and for no other use or purpose whatever, unless by law they may be authorized to otherwise use or dispose of the same. The

Title to land,
in whom
vested.

OF FREE SCHOOLS.

Board may mortgage for certain purposes.

said "The board of Public Education for the City of New Castle" may mortgage the said premises as collateral security for the payment of any or all of the certificates of indebtedness issued under this act should they deem it necessary or proper to do so.

City Council to levy an additional tax.

Section 3. In order to provide for the payment of the interest on said certificates of indebtedness as the same shall become due and payable the City Council of New Castle shall raise annually by taxation of the persons and estates within the limits of said city (according to the provisions of the Act entitled "An Act to incorporate the City of New Castle" passed at Dover February 25th, 1875 and any supplement or amendment thereto in relation to the assessment and collection of taxes within said City), such sum or sums as may be necessary for the purpose of paying the said interest as it shall become due and payable in each and every year. This tax is to be in addition to and in augmentation of, any other tax now or hereafter to be assessed or collected by the said City of New Castle.

City Council may require additional security.

Section 4. That the City Council of New Castle is hereby authorized to demand and take from the City Treasurer, the Treasurer for The Board of Public Education for the City of New Castle, and the Collector of taxes for the said City, such additional security as it shall deem proper to secure the City against any loss which might or could occur under any of the provisions of this act,—and upon the failure to give such security to appoint other persons in their places.

City Council can borrow only after referendum.

Section 5. That the said "The Mayor and Council of New Castle" shall not at any time have the power to borrow said money or to issue said certificates of indebtedness or any of them as set forth in this act until a Special election has been held in said city by authority of the said The Board of Public Education for the City of New Castle and a majority of the votes cast thereat has been ascertained by it to be in favor of the issuance thereof. All persons having the legal qualifications of voters at a school election for members of the said Board of Education may vote at said Special election and no others. Ten days public notice shall be necessary before said election, and posted in at least ten public places in the

Qualification of electors.

Notice of election.

OF FREE SCHOOLS.

City. As many such elections may be held and in the manner aforesaid as the said Board of Education may deem necessary in furtherance of the objects and purposes of this act. ^{Elections, how frequently held.} Provided, that there shall not be more than two elections in any one year.

Approved, March 20, A. D. 1905.

CHAPTER 96.

OF FREE SCHOOLS.

AN ACT authorizing and directing the City Council of New Castle, to levy and collect an additional school tax to pay the salaries of additional school teachers.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (with the concurrence of two-thirds of all the members elected to each branch of the General Assembly).

Section 1. That after the erection, construction, and furnishing of a new public school house (now in contemplation) in the City of New Castle, under the supervision and authority of "The Board of Public Education for the City of New Castle", and its readiness for occupancy and use, the said Board of Public Education shall by a resolution duly passed by it, certify the facts to the said City Council of New Castle, at such time as it may deem proper; and the said City Council shall in every year thereafter, when determining the amount to be raised by taxation on the persons and estates in the said City of New Castle, for public use, also determine according to a computation to be laid before them by the said Board of Public Education, the sum which in its judgment is necessary to be raised on the persons and estates for the payment of the annual salaries of such additional school teachers as are to be employed to teach in said new school ^{City Council of New Castle to raise additional tax, under certain conditions..}

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Limit of
taxation.Funds to be
paid to City
Treasurer.Funds, how
drawn out.City Council
may require
additional
security.

house. Such sum shall however not exceed the gross sum of Two Thousand dollars. The sum so raised shall be paid into the City Treasury as other taxes are paid and shall be paid out by the City Treasurer, upon orders drawn by the said Board of Public Education, under the hand of the President and attested by the Secretary, for the sole and exclusive purpose of paying said salaries of said additional teachers as they become due. This tax shall be in addition to all other taxes to be laid and collected in said City.

Section 2. The City Council may require of the City Treasurer and Collector of said taxes such additional security as it may deem proper.

Failure to give said security shall vacate the office.

Approved, March 20, A. D. 1905.

CHAPTER 97.

OF FREE SCHOOLS.

AN ACT to authorize the Commissioners of School District Number 70 in New Castle County to borrow money for the purpose of repairing the school building of said District.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

School District,
No. 70, New
Castle County
authorized to
borrow \$200
to repair
school house.

Loan, how to
be secured.

Bond, by whom
executed.

Section 1. That the Commissioners of School District Number 70 in New Castle County be and they are hereby authorized and empowered to negotiate a loan of Two Hundred dollars (\$200.) for the purpose of repairing the School building in said district. The payment of said loan to be secured by judgment bond bearing interest at six per centum per annum, payable annually, the said principal debt payable in four equal annual installments of Fifty dollars each.

Section 2. The said Judgment bond shall be dated the
day of
nineteen hundred and five

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and shall be executed by the said Commissioners and Clerk in their official capacity, and the insurance policy on the said school house shall be assigned by them as collateral security for the payment of said debt hereinbefore authorized to be contracted. The faith and credit of said School district is hereby expressly authorized to be pledged for the payment of the said debt and interest.

Section 3. That the said Commissioners are hereby authorized, empowered, directed and required to assess, levy and collect annually, in addition to the sum now assessed, levied and collected, in the same manner as the sum now assessed, levied and collected, a sum sufficient to pay the interest on the whole amount due and the amount to be paid on the principal in that year.

Loan to be paid by additional levy of tax.

Section 4. That the said amount shall be expended by the Commissioners for the purposes aforesaid and a Statement of the expenditures together with the vouchers therefor shall be submitted to the voters of said district at the annual meeting thereafter.

Expenditure of loan to be submitted to school voters, when.

Approved, March 20, A. D. 1905.

OF FREE SCHOOLS.

CHAPTER 98.

OF FREE SCHOOLS.

AN ACT to incorporate "The Board of Education of the town of Harrington."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members of each branch concurring therein)

School Districts Nos. 94, 126 and 127 in Kent County incorporated.

Section 1. That School Districts No. 94, 126 and 127 in Kent County as now or may be hereafter bounded, be and they are hereby declared incorporated into one consolidated district to be governed and managed by a Board of Education consisting of five members to be elected as hereinafter provided.

Board of Education.

Its purpose.

Section 2. That from and after the passage of this Act, there shall be established in and for the town of Harrington and such portions as lie outside thereof, a Board of Education to be styled "The Board of Education of the Town of Harrington" whose design and purpose shall be the direction, management and superintendence of the Public education of the children in said consolidated districts between the ages of six and twenty-one years and generally to do all the matters and things necessary to carry into effect the requirements of this Act.

Board named.

Incorporation.

Powers.

Section 3. That the following named citizens of the united school districts No. 94, 126 and 127, viz, George L. Baird, James W. Powell, Omer J. Franklin, William B. Turner, Samuel L. Shaw, and their successors as hereafter provided shall constitute the said Board and under the name and style aforesaid shall be and they are hereby created a body politic and corporate for the purpose aforesaid and as such shall have full power and authority to devise, establish and modify from time to time a plan and system of Education for children between the ages aforesaid in the said consolidated districts and to superintend the same, to appoint, suspend and remove teachers and to provide school houses,

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to make by-laws, rules and regulations for their own government and for the government of teachers and under their superintendence, to designate and elect officers of the said Board and to fill vacancies in any manner whatsoever created until the next election for members of the said Board and take and acquire, receive, hold and enjoy for the purposes aforesaid moneys and real and personal estate by bargain and sale, gift, grant, contract, devise or bequest and that they as such body corporate and by the name and style aforesaid, may sue and be sued, plead and be impleaded in any court of law or equity in this State or elsewhere and have a common Seal with power to alter the same at pleasure and otherwise generally shall have all the rights, powers, privileges and franchises incident to a corporation and necessary and convenient for carrying out the purposes of this creation.

Section 4. That the person* named as corporators in this Act shall constitute "The Board of Education of the Town of Harrington until the last Saturday in June A. D. nineteen hundred and five or until their successors are duly elected and qualified. The first election for the members of the said Board of Education shall take place on the last Saturday of June A. D. nineteen hundred and five at which election two persons shall be elected to serve for the term of one year, two for the term of two years and one for the term of three years, and on the last Saturday in June annually thereafter to fill vacancies caused by limitations of terms of office prescribed or in any manner whatever. The election shall be held in the afternoon. The Polls to open at one o'clock or within thirty minutes thereafter and closed at five o'clock. The members shall not receive any rewards, pay or emolument or be allowed any compensation for their services.

Successors,
when to be
elected.

Terms.

Election, when
to be held.

Compensation.

The Board shall elect one of their number President who shall be the presiding officer of the Board and shall also elect a secretary and treasurer who may or may not be a member or members of said Board. The offices of secretary and treasurer may be held by the same person.

Officers.

The Board shall appoint the place for holding the annual or special election and give notice thereof for ten days pre-

Board to ap-
point place of
election.

*So Enrolled.

OF FREE SCHOOLS.

Notice.	vious to the time of holding said election by bills posted in five of the most public places in the said consolidated districts.
Officers of election.	The Board shall appoint an inspector of said election (not a member of said Board) who shall preside thereat for purpose of receiving and counting all ballots cast for members of said Board of Education; the said Board shall in like manner appoint a person (not a member of said Board) to act as clerk at said election.
Certificates to whom delivered.	Within two days after any election a certificate of election shall be delivered to each member elected and one to the President of said Board under Seal of the Inspector and Secretary. The Board shall decide all contests and shall be the judge of the validity of all elections of members of said Board who must have paid a school-tax in said district within one year before his election, by voters at any general election, a majority of votes shall elect. The law now in force to punish illegal voting shall apply to voters voting illegally for any member or members of said Board of Education.
Contests, how decided.	
Illegal voting, penalty for.	
Accounts to be annually posted in District.	Section 5. That the Board of Education shall on or before the Monday next preceding the last day of June in every year cause to be made out a full and complete report of accounts and proceedings for the past year, setting forth aggregates under their appropriate heads and cause to be hung in some public place for a period of five consecutive days.
May levy school tax.	Section 6. That it shall be lawful for the said Board of Education to levy and collect as school taxes are now or may hereafter be levied and collected such sum of money as may be sufficient in their judgment to carry on schools in said district, provided that the sum so raised for such purposes as carrying on schools in said districts in any one year shall not exceed the sum of Three Thousand dollars.
Limit of amount.	
Power in collecting school taxes, etc.	Section 7. That the said Board of Education shall have the same power and authority in collecting taxes in said districts for school purposes or building additions or making repairs as is now or may be hereafter conferred upon the Commissioners of Public Schools in this State and shall have the right to draw dividends from time to time, funds so ap-

OF FREE SCHOOLS.

portioned to the maintenance of public schools in said districts No. 94, 126 and 127.

Section 8. That each member of the Board of Education and each officer by them appointed, before entering upon the discharge of the duties of his office, shall take an oath or affirmation to perform the same diligently and faithfully according to the best of his knowledge and judgment such oath or affirmation may be administered by any member of said Board.

Official oath.

By whom administered.

Section 9. That the said "The Board of Education of the Town of Harrington" shall have perpetual existence.

Existence perpetual.

Section 10. That all laws or parts of laws which conflict with this Act or any part thereof be and they are hereby repealed.

Approved, April 3, A. D. 1905.

OF FREE SCHOOLS.

CHAPTER 99.

OF FREE SCHOOLS.

AN ACT authorizing the Board of Education of the Town of Harrington to raise additional tax for the purpose of repairing and enlarging the school buildings.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of all the members elected to each House of the General Assembly, concurring therein):

Board authorized to increase tax for 1905 not exceeding \$1000.

For purpose of repairing school house.

Board may raise said sum in part in year 1906.

Section 1. That the Board of Education of the town of Harrington be and it is hereby authorized and directed to raise by taxation in the year 1905, in addition to the tax already authorized to be raised, a sum not exceeding One Thousand dollars, for the purpose of repairing and enlarging the school buildings, the amount of such additional tax to be determined by the said Board of Education of the town of Harrington. If in the discretion of said Board of Education the whole sum of One Thousand dollars be not levied and raised in the year 1905, then the said board shall have authority and is hereby directed to levy and raise by taxation in the year 1906 an amount equal to the difference between the said One Thousand dollars and the amount levied and raised in the year 1905.

Approved, April 3, A. D. 1905.

OF FREE SCHOOLS.

CHAPTER 100.

OF FREE SCHOOLS.

AN ACT to renew and extend an Act entitled "An Act to establish the Kenton Public School," passed at Dover, March 11, 1885, being Chapter 459, Volume 17, Laws of Delaware, together with all the amendments thereto which have been from time to time made.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of all the members elected to each House concurring therein):

Section 1. That the Act entitled "An Act to Establish the Kenton Public School," passed at Dover, March 11, 1885, being Chapter 459, Volume 17, Laws of Delaware, and all amendments to said Act which have been heretofore made, be and the same are hereby renewed, extended and continued in full force for a period of twenty years, from and after the time of the approval of this Act.

Chapter 459,
Volume 17, re-
enacted and
renewed for
twenty years.

Approved, March 21, A. D. 1905.

OF FREE SCHOOLS.

CHAPTER 101.

OF FREE SCHOOLS.

AN ACT to amend Chapter 366 of Volume 16, Laws of Delaware increasing the amount that may be raised by taxation for school purposes by the Public Schools of the Town of Smyrna.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring herein):

Chapter 366,
Volume 16,
amended limiting
amount to
be raised by
taxation.

Section 1. That Chapter 366 of Volume 16 of the Laws of Delaware, entitled "An Act to Consolidate the Public Schools of the Town of Smyrna", be and the same is hereby amended by striking out the word "three" where the same occurs between the words "than" and "thousand" in the last line of Section 7 of said Act and inserting in lieu thereof the word "five".

Approved, March 9, A. D. 1905.

OF FREE SCHOOLS.

CHAPTER 102.

OF FREE SCHOOLS.

AN ACT authorizing the Trustee of the School Fund to draw from the Farmers' Bank of the State of Delaware, at Dover, certain moneys deposited therein by the Trustee of the School Fund for the use of School District No. 161 in Kent County, and directing him to place the same to the credit of the School Fund.

Whereas, there was placed on deposit in the Farmers' Bank of the State of Delaware, at Dover, several years ago, by the Trustee of the School Fund, the sum of Two Hundred and Three dollars and Sixty-six cents (\$203.66) to the credit and for the use of School District No. 161 in Kent County. Preamble.

And Whereas, the said fund was never drawn or used by the commissioners of said district, Preamble.

And Whereas, the said School District have* been abandoned and no school kept open therein, therefore, Preamble.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That the Trustee of the School Fund is hereby authorized, empowered and directed to draw out of the Farmers' Bank of the State of Delaware at Dover, the sum of Two Hundred and Three dollars and Sixty-six cents, (\$203.66) which was deposited in said bank to the credit and for the use of School District No. 161, in Kent County, and he is hereby directed to place the said sum of Two Hundred and Three dollars and Sixty-six cents (\$203.66) to the credit of the General School Fund. Trustee of School Fund authorized to draw out of Farmers' Bank \$203.66 credited to School District No. 161, Kent County, and deposit same to General School Fund.

Approved, March 21, A. D. 1905.

*So Enrolled.

OF FREE SCHOOLS.

CHAPTER 103.

OF FREE SCHOOLS.

AN ACT to incorporate United School Districts, 113 and 113½ in Kent County, and for other purposes.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each House of the General Assembly concurring therein):

School Dis-
tricts 113 & 113½
united.

Commissioners

Board named.

Terms of office.

Incorporation.

Perpetual.

Powers.

Section 1. That United School Districts 113 & 113½ in Kent County, as the same is now bounded, or as it may hereafter be bounded, shall be governed and its affairs managed and controlled by a board of five Commissioners.

Section 2. That Pennell Emerson, Charles K. Cole, Walter M. Newton, Charles A. Garton and James Coudright, shall, and they are hereby declared to be the first Commissioners, and shall continue to serve as such Commissioners for the terms following, to wit. The said Pennell Emerson until the next stated school election in the year 1905, and the said Charles K. Cole and Walter M. Newton until the stated school election in the year 1906: and the said Charles A. Garton and James Coudright until the stated school election in the year 1907; and until their successors shall have been duly elected and qualified as hereinafter provided.

Section 3. That the members of the board of Commissioners hereinbefore named, and their successors in office, shall be, and they are hereby declared to be a Corporation by the name, style, and title of "Wyoming Public Schools" and by that name they and their successors in office shall have perpetual succession, with all the powers, rights, privileges and franchises of a Corporation, necessary and proper for the establishment and maintenance of good schools for the education of all the children within the districts aforesaid that are by the laws of the State entitled to be educated in the public schools, and shall have full control of all the property real and personal, which now belongs to or may hereafter be

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acquired by the said districts, and the title thereto shall vest in the Corporation hereby created for school purposes; and the said Corporation by the name, style and title aforesaid, may sue and be sued, plead and be impleaded in any Court of law or equity, and may have and use a common seal.

Section 4. That on the day provided by law for the holding the stated school election in the year 1905, one Commissioner shall be elected to serve for three years, and at the stated election in 1906, two Commissioners shall be elected for three years and at the stated election in 1907 two Commissioners shall be elected to serve for three years, and annually thereafter Commissioners shall be elected to fill the vacancies of those whose terms have expired and until their successors shall have been duly elected and qualified as hereinafter provided. The Board of Commissioners shall have power to fill any vacancy or vacancies that may occur in their number by death, resignation, removal from the districts, refusal to serve or otherwise, and the person or persons so chosen to fill such vacancy or vacancies shall serve until the term or terms of the person or persons in whose place or places he or they, are chosen in accordance with this Section, expire.

Commissioner,
when to be
elected.

Terms.

Vacancies.

How filled.

Section 5. That the Board of Commissioners named in the second Section of this Act shall meet on the first Monday in March in the year 1905 at 2 o'clock P. M. at the school house in said districts and proceed to organize the board by electing one of their number President and another Secretary, and the person so elected President shall swear or affirm the other members to perform their duties with fidelity, and one of the other members shall in like manner qualify the person so elected President and on the first Monday after any stated election at 2 o'clock P. M. in every year hereafter the persons composing the said board of Commissioners shall meet at the school house or some other place in said districts that the said board by resolution shall designate and organize and qualify in like manner.

Board to or-
ganize, when.

Officers.

Oath.

Section 6. That commencing with the school year 1905 and annually thereafter there shall be raised by taxation by said board of the Wyoming Public Schools such sum or sums for the payment of all outstanding bonds together with all accrued interest of the united school districts 113 & 113½ as

Commissioners
directed to
raise by taxa-
tion funds to
pay bonds and
interest.

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Amount to be raised by taxation.	authorized by Chapter 129 Volume 22 part 1, Laws of Delaware. That for the year beginning on the first Monday after any stated school election A. D. 1905 and annually thereafter the Commissioners of said Wyoming Public Schools may raise by taxation for general school purposes within the said districts any sum that in their judgment they may deem necessary, the same not to be less than Five Hundred dollars nor more than Twelve Hundred dollars. All dividends from the State School fund which shall be allotted to said incorporated school districts shall be deposited to the credit of Wyoming Public Schools to be used as by law directed.
Limit.	
School fund, how drawn.	
Treasurer.	Section 7. That the board shall appoint a Treasurer who shall give bond with sufficient security for the faithful performance of his duties, he shall receive and disburse all moneys belonging to the said districts under the order and subject to the resolution of said board, and shall keep an accurate and itemized account of all receipts and disbursements in a record expressly provided for that purpose, and his accounts and vouchers shall be inspected and audited semi-annually be* a committee of said board who shall make and enter upon such record a certificate showing the result of such audit, and this record shall be at all times subject to inspection by any taxable of said districts. The said board shall likewise have power to make by-laws, rules and regulations for its own government and the government of its officers, agents, teachers and school under its control. And the said board is hereby expressly invested with full power and authority to assess, levy and collect a capitation tax from every white male citizen in said incorporated districts of the age of twenty-one years and upwards any sum not exceeding three dollars and fifty cents in any one school year, together with all taxes by this Act, authorized in the same manner and by the same agencies and with the like powers as is now or may hereafter be provided by law for the collection of school taxes. The warrant annexed to any duplicate of any assessment list shall be signed by the President of the board attested by the Secretary and have the corporate seal thereto affixed.
Bond.	
Duties.	
Accounts audited.	
Record open to voters.	
By-Laws.	
Assessment, levy and collection of taxes.	
Capitation tax.	
Duplicate, how executed.	
Quorum.	Section 8. That a majority of the board of Commissioners shall constitute a quorum, and in case of any vacancy in
Vacancy.	

*So Enrolled.

OF FREE SCHOOLS.

the office of President, Secretary or Treasurer, the board shall have power to fill the same, the board shall* hold regular meeting at such times and at such places as the by-laws may provide, and occasional meeting when necessary upon the call of the President or any two members of the board, a record shall be kept of all the proceedings of said board and of all its orders and resolutions, and the same shall at all times be subject to the inspection of any taxable.

Meetings.

Record of proceedings of Board open to inspection.

Section 9. That this Act shall be deemed and taken to be a public Act, and shall go into effect immediately upon its passage.

Section 10. That all Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Approved, March 8, A. D. 1905.

*So Enrolled.

CHAPTER 104.

OF FREE SCHOOLS.

AN ACT to incorporate United School Districts Nos. 90 and 90½ in Bridgeville, in Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein)

Section 1. That School Districts Nos. 90 and 90½ as now bounded and constituted be and they are hereby declared incorporated into United School Districts Numbers 90 and 90½ to be governed by and managed by a board of public education consisting of six members, to be elected as hereinafter provided.

School Districts Nos. 90 and 90½ incorporated.

Board of Education.

Section 2. That when and after this Act becomes a law there shall be established in and for School Districts Nos. 90 and 90½ in the town of Bridgeville, Sussex County, a board

OF FREE SCHOOLS.

Incorporation name. of education, to be styled The Board of Public Education for School Districts Nos. 90 and 90½ in the town of Bridgeville, Sussex County, whose design and purpose shall be the direction, management and superintendence of the public education of children, in said Districts Nos. 90 and 90½ between the ages of six and twenty-one years.

Purposes defined.

Board of Education, named. Section 3. That the following named citizens of the said District, viz: Thomas J. Gray, Martin W. Welch, Lawrence M. Cahall, Philip L. Cannon, Levin J. Moore and Philip H. Stewart be and they are hereby appointed The Board of Public Education for United School Districts Nos. 90 and 90½ in the town of Bridgeville in Sussex County; and that

Terms of office. Thomas J. Gray and Martin W. Welch shall continue in office until the first Saturday of June A. D. 1905 or until their successors are duly elected; that Lawrence M. Cahall and Philip L. Cannon shall continue in office until the first Saturday in June A. D. 1906 or until their successors are duly elected; that Levin J. Moore and Philip H. Stewart shall continue in office until the first Saturday in June A. D. 1907 or until their successors are duly elected; and their successors, as hereinafter provided, shall constitute the said board, and under the name and style aforesaid shall be and they are hereby created a body politic and corporate for the purpose aforesaid, and as such shall have full power and authority to devise, establish and modify, from time to time a plan and system of education for children between the ages aforesaid in said Districts Nos. 90 and 90½ in the town of Bridgeville, Sussex County, and to superintend the same; to appoint, suspend and remove teachers, and provide school houses; to make by-laws, rules and regulations for their own government and for the government of the teachers and schools under their superintendence; to designate and elect officers of the said board, and to fill vacancies in any manner whatever caused until the next election for members of the board, and to take and acquire, receive, hold and enjoy, for the purposes aforesaid, moneys and real and personal estate by bargain and sale, gift, grant, contract, devise or bequest; and by the name aforesaid may sue and be sued, plead and be impleaded in the courts of this State or elsewhere; may have a common seal, with power to alter the same, and otherwise generally shall be clothed with the rights, powers and privil-

Incorporation.

Powers.

OF FREE SCHOOLS.

ages incident to corporations and necessary for carrying out the purposes of their creation. The members of the board shall receive no compensation for their services. Compensation.

Section 4. The board shall meet on the first Saturday of June of the present year, at the school house in School Districts Nos. 90 and 90½ in said town of Bridgeville, and annually thereafter at the same place on the Monday following the election, at ten o'clock in the forenoon, and organize the board by the election of a president, secretary and treasurer, who shall be members of the board. Board, when to organize.
Officers.

Section 5. The first election for the members of the board of public education shall take place on the first Saturday of June nineteen hundred and five, at which election two persons shall be elected to serve for the term of three years; and on the first Saturday of June annually thereafter to fill vacancies caused by the limitations of terms of office prescribed or in any manner whatever. The members of the board shall be elected by ballot, and by a plurality vote, and shall hold their offices for the terms for which they are elected, and until their successors are duly chosen and qualified. The election shall be held in the afternoon; the polls shall be open at one o'clock, or within thirty minutes thereafter, and close at four o'clock; the election shall be held at the school house in said School Districts Nos. 90 and 90½; the board shall give ten days notice of said election, and of the day, hour and place of holding the same, and of the inspectors appointed by them to hold the same, and of the number of members of the board to be elected thereat, by written or printed handbills, under the signature of the secretary of the board, posted in five of the most public places in the said School Districts Nos. 90 and 90½. The board shall appoint, at least ten days before the holding of said election, an inspector and an assistant inspector, who shall preside thereat. The inspectors shall not be members of the board of education, and shall, before opening the polls, each take an oath or affirmation. The oath may be administered by the inspector, assistant inspector, a justice of the peace, or notary public. The inspectors shall appoint two clerks; one to be appointed by the inspector, and the other by his assistant, who shall keep true and correct lists of the persons voting at said election. The inspectors shall, as soon as the Election, when held.
Manner of election.
Terms of office.
Polls, when opened and closed.
Notice.
Officers of Election.
Qualifications.
Oath,
By whom administered.
Clerks.

OF FREE SCHOOLS.

Result.	polls have closed, proceed to count the votes, and ascertain the result, and shall immediately, upon ascertaining
Certificates.	the result of said election, make out and sign certificates thereof, and shall deliver, without delay, one of said certificates to the secretary of the board of education, one to each of the persons elected, and one other to the Clerk of the Peace of Sussex County, to be kept as a public record. Every
Qualification of elector.	person residing within the said School Districts Nos. 90 and 90½ in the town of Bridgeville, Sussex County, and having right to vote for representatives in the General Assembly (and having paid his school tax for the preceding year) shall be a school voter of said districts. And if any person not
Illegal voting.	being so qualified shall vote at any school election held therein, he shall be deemed guilty of a misdemeanor and shall be fined twenty-five dollars. If a vote is objected to the
Fine.	inspectors must unite in rejecting it, or the vote shall be accepted. If any person who shall be appointed by the
Inspectors refusal to serve to be fined.	board either inspector or assistant inspector shall neglect or refuse to serve as such inspector or assistant inspector without rendering an excuse, to be accepted by the board, he shall forfeit and pay to the said board the sum of Five dollars, to be recovered by the board in an action before a Justice of
How and when voters may choose election officers.	the Peace. If the board shall fail to appoint an inspector, or assistant inspector, or both, ten days before said election, or if the inspector or assistant inspector, or both, shall be absent from the place of election at the time of opening the same, the school voters then shall proceed forthwith, without ballot, to choose, from the voters present, either an inspector or assistant inspector, or both, as the case may be. If the
Board neglect to give notice.	board of education shall in any year fail to give written or printed notice of said election, as required herein, the school
Election, how held.	voters of said district shall, notwithstanding said failure, meet on the day and at the time herein specified and at the school house in said district, and proceed to elect inspectors and members of the board of education as herein provided in case of notice duly given. If an inspector or assistant
Non-performance of duty deemed a misdemeanor.	inspector, or both of them, shall knowingly take the vote of a person not having the right to vote or shall neglect or refuse to make and deliver certificates of the result of any election as required herein, he or they shall be guilty of a misdemeanor, and shall forfeit and pay Fifty Dollars, to be adjudged on
Penalty.	indictment and conviction, and to be paid to the board of

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education aforesaid for the benefit of the schools under their charge.

Section 6. The board shall hold stated meetings once every month, and special meetings when required by the president or a majority of the members thereof; and by a committee, or otherwise, shall visit all the schools under their charge once a week while the schools are in session. A majority of the board shall form a quorum, and any vacancy, occasioned by death, resignation, or otherwise, shall be filled by the board by choosing members thereof to serve until the next election and until their successors be duly elected and qualified; provided, however, that no one shall be a member of the board who is not a freeholder and a qualified voter of Districts Nos. 90 and 90½; and if any one having been elected a member of the board shall not then be, or shall afterwards cease to be a freeholder and a qualified voter of said district, he shall thereupon cease to be one of the members of the board aforesaid; provided further, however, that this must be ascertained and declared by a two-thirds vote of the other members of said board. The members shall be sworn by each other faithfully and impartially to perform their duties as members of said board of education.

Stated meetings of Board.

Duties.

Quorum.

Vacancies.

Qualification of members of board.

Disqualification, how ascertained.

Section 7. The treasurer appointed by the board shall be required to give bond, with good and sufficient surety, for the faithful performance of his duties, which shall be sufficient to cover the full amount of money which may at any time come into his hands under the provisions of this Act. The board shall have the right to draw, upon an order signed by their president and secretary, the amount of the dividends from time to time which the school named in Section 1 of this Act shall be entitled to out of the State School Fund; and shall annually assess, levy and collect from the taxables of said School Districts Nos. 90 and 90½ in the town of Bridgeville, Sussex County, a sum not less than \$600, in the same maner as school taxes now are or hereafter may by law be assessed, levied and collected, and for that purpose shall possess all the powers that school commissioners now have or may hereafter have; provided, that the collector of North-West Fork Hundred shall receive the warrant, with the duplicate of assessment list, whenever the board shall offer

Treasurer to give bond.

School funds, how drawn.

Assessment, levy and collection of taxes.

Collectors to receive duplicate.

OF FREE SCHOOLS.

Settle with Auditor. to deliver them to him. They shall settle with the Auditor as school commissioners do.

Annual meeting. Section 8. The school voters of said School Districts Nos 90 and 90½ in the town of Bridgeville, Sussex County, may, at their annual meeting on the first Saturday in June, choose a chairman and secretary, and by a majority vote, to be taken by ballot, may authorize and empower the board of education to raise, for school purposes, a certain additional sum over and above the sum of Six Hundred Dollars aforesaid; provided that the two sums do not amount in the aggregate, to more than the sum of One Thousand dollars. If such additional sum shall be authorized to be raised, two certificates of the proceedings of the meeting shall be made and signed by the chairman and secretary; one shall be immediately delivered to the secretary of the board of education the other to the Clerk of the Peace of Sussex County, to be kept as a public record.

Officers.

Limit of sums to be raised by tax.

Certificates to proceedings of meeting.

To whom delivered.

Approved, March 30, A. D. 1905.

OF FREE SCHOOLS.

CHAPTER 105.

OF FREE SCHOOLS.

AN ACT to re-incorporate "The Board of Commissioners of the Public Schools of Georgetown, Sussex County" and for other purposes.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each House of the General Assembly concurring therein):

Section 1. That united school districts Nos. 67, 96, 106 and 107, in Sussex County, as now bounded, or as they may hereafter be bounded, shall from* one united school district, and shall be governed and its affairs managed and controlled by a board of public education, consisting of nine members, to be elected as hereinafter provided.

School Dis-
tricts Nos. 67,
96, 106 and 107
united.

Board of
Education.

Section 2. That the said united school districts and board of public education, and their successors, shall be and they are hereby created a body politic and corporate under the name and style of "The Board of Commissioners of the Public Schools of Georgetown, Sussex County." The board of commissioners shall have the direction and superintendence of the public education of children in said united districts, between the ages of six and twenty-one years, and for that purpose shall have full power and authority to devise, establish and modify, from time to time, a plan and system of education for children between the ages aforesaid, in the said united districts and to superintend the same; to appoint, suspend and remove teachers, and provide school houses; to make by-laws, rules and regulations for their own government and for the government of the teachers and schools under their superintendence; to designate and elect officers of the said board, and to fill vacancies in the board in whatever manner caused, until the next election for members of the board, and to take and acquire, receive, hold and enjoy for the purpose aforesaid, moneys and real and personal estate by bargain and sale, gift, grant, contract, devise or bequest; and by the name aforesaid may sue and be sued,

Incorporated.

Name.

Board to super-
intend educa-
tion of child-
ren.

Powers.

Vacancies,
how filled.

Corporate pow-
ers conferred.

*So Enrolled.

OF FREE SCHOOLS.

Compensation. plead and be impleaded, in the Courts of this State, or elsewhere; may have a common seal with power to alter the same, and otherwise generally shall be clothed with all the rights, powers and privileges incident to corporations, and necessary for carrying out the purposes of their creation. The commissioners shall receive no compensation for their services.

Election, when to be held. Section 3. The school voters of the said united school districts shall meet on the last Saturday of June A. D. one thousand nine hundred and five, and on the last Saturday of June in each and every year thereafter, at the school house in said united school districts and shall elect three commissioners to serve for the term of three years, and until their successors be duly chosen and qualified. The present school commissioners of said united school districts shall continue to hold said offices for the full terms for which they were respectively elected. The election shall be held in the afternoon, and the polls shall be opened at two o'clock, or within thirty minutes thereafter, and closed at four o'clock. The board shall give ten days notice of said election, and of the day, hour and place of holding the same, and of the inspectors appointed by them to hold the same, and of the number of commissioners to be elected thereat, by written or printed handbills, posted in ten of the most public places in said consolidated districts: They shall appoint, at least ten days before the holding of said election, an inspector and an assistant inspector, who shall preside thereat. The inspectors shall not be members of the board of commissioners, and shall before opening the polls, each take an oath or affirmation as follows: "I do solemnly swear (or affirm) that in holding the election this day for members of the board of commissioners of the public schools of Georgetown, Sussex County, I will faithfully and impartially discharge my duty, and make true certificates of the result thereof and deliver the same according to law, so help me God, (or so I solemnly affirm)". This oath may be administered by the inspector, assistant inspector, a Justice of the Peace, or a Notary Public. The inspectors shall appoint two clerks, one to be appointed by the inspector and the other by his assistant, who shall keep true and correct lists of the persons voting at said election. The inspectors shall, as soon as the polls have closed, proceed to count the votes and

Term of office.

Polls, when opened and closed.

Notice of election, what to contain.

Election officers, when appointed.

Oath of election officers.

Oath, by whom administered.

Clerks.

OF FREE SCHOOLS.

ascertain the result, and shall immediately upon ascertaining the result of said election, make out and sign certificates thereof, and shall deliver without delay, one of said certificates to the secretary of the board of commissioners, one to each of the persons elected, and one other to the Clerk of the Peace of Sussex County, to be kept as a public record. The commissioners shall be elected by ballot and by a plurality vote, and shall hold their offices for the term aforesaid and until their successors be duly chosen and qualified. Every person residing within the said united districts, and having right to vote for representatives in the General Assembly, (and having paid his school tax for the preceding year), shall be a school voter of said united districts. And if any person, not being so qualified, shall vote at any meeting of school voters therein he shall be deemed guilty of a misdemeanor, and shall be fined fifteen dollars. If a vote is objected to, the inspectors must unite in rejecting it, or the vote shall be accepted. If any one who shall be appointed by the board of commissioners, either inspector or assistant inspector, shall neglect or refuse to serve as such inspector or assistant inspector, without rendering an excuse to be accepted by the board, he shall forfeit and pay to the said board the sum of five dollars, to be recovered by the board in an action before a Justice of the Peace. If the board shall fail to appoint an inspector or assistant inspector, or both, ten days before said election, or if the inspector or assistant inspector, or both, shall be absent from the place of election at the time of opening the same, the school voters there shall proceed forthwith, without ballot, to choose from the voters present, either an inspector or assistant inspector, or both, as the case may be. If the board of commissioners shall, in any year, fail to give written or printed notice of said election, as required herein, the school voters of said united districts shall, notwithstanding said failure, meet on the day and at the time and place herein appointed, and proceed to elect inspectors and commissioners as herein provided in case of notice duly given. If any inspector or assistant inspector, or both of them, shall knowingly take the vote of a person not having the right to vote, or shall neglect or refuse to make and deliver certificates of the result of any election as required herein, he or they shall be guilty of a misdemeanor, and shall forfeit and pay fifty dollars, to be adjudged on indictment and conviction, and to be

Certificates of results of election.

To whom to be delivered.

Manner of election.

Qualification of electors.

Violation a misdemeanor.

Vote challenged, how to be decided.

Penalty for refusal to serve as election officer.

Election officers absent, how appointed.

Failure to post notice, rights of electors.

Officers of Election, failure in duty a misdemeanor.

Penalty.

OF FREE SCHOOLS.

paid to the board of commissioners aforesaid for the benefit of the schools under their charge.

Organization of Board. Section 4. The commissioners shall meet annually in the place where the election was held, on the Monday following the election, at ten o'clock in the forenoon, and organize the board by the election of a president and secretary, who shall be members of the board, and shall hold stated meetings once every month, and special meetings when required by the president or a majority of the commissioners; and by a committee or otherwise, shall visit all the schools in the district once a week while the schools are in session. A majority of the board shall form a quorum. Any vacancy or vacancies occasioned by death, resignation, removal from the districts, refusal to serve, or otherwise, shall be filled by the Board by choosing commissioners to serve for the unexpired term of such person or persons whose term or terms shall become vacant as aforesaid. Provided, however, that no one shall be a commissioner who is not a qualified voter of said united districts, and if any one having been elected a commissioner shall not then be, or shall afterwards cease to be a qualified voter of said united districts, he shall thereupon cease to be one of the commissioners aforesaid. Provided further, however, that this must be ascertained and declared by a two-thirds vote of the other members of said board. The commissioners shall be sworn by each other, faithfully and impartially to perform their duties as members of said board.

Officers.

Meetings of Board.

Quorum.

Vacancies.

Qualifications.

Proviso.

Appointment of Treasurer. Section 5. The board shall appoint a treasurer and shall take his bond with sufficient surety for the faithful performance of his duties. They shall have the right to draw, upon an order signed by the president and secretary, pursuant to the provisions of the terms of the general school law, on the dividends, from time to time, which the said united school districts shall be entitled to as their part of the State School funds, and shall annually assess, levy and collect for school purposes from the taxables of said united school districts the sum of two thousand dollars, in the same manner as school taxes are now or hereafter may by law be assessed, levied and collected, and for that purpose shall have all the powers that school commissioners now have or may hereafter have. Provided, that the collector of Georgetown Hundred shall receive the warrant with the duplicate of assessment list

School fund, how drawn.

Levy, assessment and collection of taxes.

Collector to receive duplicate of taxes.

OF FREE SCHOOLS.

whenever the board of commissioners shall offer to deliver them to him. The board of commissioners shall publish in the newspapers published in Georgetown, in the last issue of each said papers issued in the month of July of every year, a statement of the receipts and expenditures during the year, showing the sources from which the receipts have been obtained and the objects for which they were expended. They shall also settle with the Auditor as other school commissioners do.

Statement of
finances to be
published.

Settlement
with Auditor.

Section 6. The school voters of said united school districts at their annual meeting on the last Saturday in June, by a majority vote to be taken by ballot, may authorize and empower the board of commissioners to raise for school purposes a certain additional sum over and above the sum of two thousand dollars aforesaid, Provided, that the two sums do not amount in the aggregate to more than the sum of three thousand dollars. The school purposes herein mentioned shall include the necessary repairs or alterations of the present school house. If such additional sum shall be authorized to be raised, two certificates of the proceedings of the meeting shall be made and signed by the chairman and secretary; one shall be immediately delivered to the secretary of the board of commissioners, the other to the Clerk of the Peace, of Sussex County, to be kept as a public record.

Electors may
authorize rais-
ing additional
tax.

Limit of
amount.

Certificates of
proceedings of
meeting.

To whom
delivered.

Section 7. The present commissioners of the said "The Board of Commissioners of the Public Schools of Georgetown, Sussex County" shall exhibit their accounts and report, as provided in the general school law, to the meeting of the school voters of said united school districts, to be held on the last Saturday in June, in each and every year, or at such time as the general school law shall hereafter designate as the day for holding such school meetings.

Statement of
finances to be
exhibited to
electors at an-
nual meeting.

Approved, March 30, A. D. 1905.

OF FREE SCHOOLS.

CHAPTER 106.

OF FREE SCHOOLS.

AN ACT to amend Chapter 440, Volume 20, Laws of Delaware, being an Act entitled "An Act to increase the School Fund for the United School Districts of Laurel and Vicinity", as amended by Chapter 131, Volume 22, Laws of Delaware, entitled "An Act to amend Chapter 440 of Volume 20, Laws of Delaware, entitled "An Act to increase the School Fund for the United School Districts of Laurel and Vicinity "by increasing the amount that may be raised by taxation for school purposes, in said Districts" by increasing the amount that may be raised by taxation for school purposes in said District.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of all the members elected to each House of the General Assembly concurring therein):

Chapter 440,
Volume 20,
and Chapter
131, Volume 22,
amended, in-
creasing
amount of tax
to be raised.

Section 1. That Chapter 440, Volume 20, Laws of Delaware, as amended by Chapter 131, Volume 22, Laws of Delaware, be and the same is hereby amended by striking out of Section 1 as amended by Chapter 131 Volume 22, Laws of Delaware, in lines three and four thereof, the words "five hundred" and insert in lieu thereof the words "fifteen hundred."

Approved, March 16, A. D. 1905.

OF FREE SCHOOLS.

CHAPTER 107.

OF FREE SCHOOLS.

AN ACT to authorize and empower "Commissioners of the Public School of the Town of Laurel and vicinity of the County of Sussex and State of Delaware" to borrow money to repair, improve, and enlarge its school building, to issue bonds to secure the same, and to levy a tax to pay the said bonds.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each House of the General Assembly concurring therein):

Section 1. That the "Commissioners of the Public School of the town of Laurel and vicinity of the County of Sussex and State of Delaware" and their successors in office are hereby authorized and empowered to borrow, at its discretion, a sum of money not to exceed four thousand dollars, for the purpose of repairing, improving and enlarging its school building, fully to complete and furnish the same, in incorporated school districts numbers 46, 133, 182, Sussex County, for school purposes.

Public School of Laurel may borrow money to repair school house.

Section 2. That the said "Commissioners of the Public School of the town of Laurel and vicinity of the County of Sussex and State of Delaware", be and is hereby vested with full power and authority to issue for the purpose of carrying into effect the provisions of this Act, its bonds to an amount not exceeding the sum of four thousand dollars, to be of the denomination of five hundred dollars each bearing interest at a rate not exceeding five per centum per annum, payable annually on the first days of July and January, respectively in each year at such bank or trust company as the said Commissioners shall designate. The principal of such bonds shall be made payable in ten years from the date of the issue thereof, the said "Commissioners of the Public School of the Town of Laurel and vicinity of the County of Sussex and State of Delaware" reserving the power and authority of reducing said bonds or any part of them at or after the expiration of four years from the date of the issue of the same;

Issue bonds therefor.

Denomination..

Bonds, when payable.

OF FREE SCHOOLS.

May redeem earlier.

provided, however, that if the said Commissioners elect to redeem any of said bonds at the expiration of four years, as aforesaid, such election shall be effected on the first days of July or January, and in pursuance of a notice to that effect published by said Commissioners in at least four issues of two newspapers, one published in the City of Wilmington and one in Sussex County. In calling said bonds for redemption and payment, they shall be called consecutively, commencing with the lowest number; the interest on all said bonds so called shall cease from the redemption thereof and said bonds, when paid, shall be cancelled.

May redeem at any time under certain conditions.

If at any time after the issue of said bonds and before they are payable or called in, any holder or holders of any such bond or bonds shall offer the same for redemption, the said Commissioners may, if it deem it expedient, redeem and pay the bond or bonds so offered, and cancel the same, the interest thereon ceasing from the date of such redemption.

Said Commissioners to prepare bonds.

Section 3. That the said "Commissioners of the Public School of the town of Laurel and vicinity of Sussex County and State of Delaware" shall direct and effect the preparation and printing of the bonds authorized by this Act, and shall also prescribe the form of said bonds, which shall be signed

How executed.

by the President of said Commissioners, countersigned by its Secretary, and shall be sealed with the corporate seal of said Commissioners and shall be exempt from all State, County and Municipal taxation, and shall be denominated Laurel School Bonds, as the said bonds and coupons thereon are

Exempt from taxation.

paid the same shall be cancelled in such manner as the said Commissioners shall direct; and the said Commissioners shall negotiate the sale and delivery of said bonds, which shall not

Negotiation of sale of bonds.

be for less than their par value; and the moneys the proceeds of the sale of said bonds, shall be deposited with the Treasurer of said Commissioners to be used for the purpose of carrying into effect the provisions of this Act. The said Treasurer shall give additional bond with such surety and for such sum as the said Commissioners may determine and approve.

Treasurer to give additional bond.

as the said Commissioners may determine and approve.

Additional taxation authorized to pay bonds.

Section 4. That for the purpose of raising the funds necessary for the redemption of said bonds, and for the payment of the interest thereon, the said "Commissioners of the Public School of the Town of Laurel and vicinity of the

OF FREE SCHOOLS.

County of Sussex and State of Delaware" is hereby further authorized, empowered and directed to assess, raise and collect annually in the same manner as now provided by law for assessing, raising and collecting the school taxes in said school districts, such further sums of money as shall in their judgment, be necessary and sufficient to meet the interest on said bonds as the same shall be called in by the said Commissioners, according to the provisions of this Act. The sums assessed, raised and collected under and by virtue of the provisions of this Section to be in addition to such sums assessed, raised, and collected by said Commissioners for school purposes; provided that the sums levied and assessed under and by virtue of this section shall not exceed the interest of the bonds then outstanding, and the par value of the bonds called in for that year by more than twenty per centum of the aggregate amount of said interest and par value of said bonds. Limit of
amount.

Approved, March 20, A. D. 1905.

OF FREE SCHOOLS.

CHAPTER 108.

OF FREE SCHOOLS.

AN ACT authorizing the State Treasurer to pay over to the School Commissioners of Consolidated Districts Nos. 24 and 159 in Sussex County, for the use of the Districts, certain moneys to which said Districts are entitled under the apportionment of School Dividends.

Preamble.

Whereas, the Clerk of Consolidated Districts Nos. 24 and 159 in Sussex County, in his settlement with the Auditor of Accounts, erred in stating that but \$369. tax was raised by said districts for the year 1904, when as a matter of fact \$420. was raised; and

Preamble.

Whereas, the said Districts employ four teachers which necessitates the raising of \$400 in order to secure a dividend for each teacher, which said amount of \$400. was raised, but by error not reported so, and only three dividends were allowed and paid said districts; and whereas, had such error not been made the said districts would have received four dividends; now therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Appropriation
of \$219.70 to
School Dis-
tricts Nos. 24
and 159 in
Sussex County.

Section 1. That the State Treasurer be and he is hereby authorized, empowered and directed to pay over to the School Commissioners now holding office as School Commissioners of Consolidated Districts Nos. 24 and 159 for the use of the districts, the sum of Two Hundred and nineteen dollars and seventy cents (\$219.70) out of any moneys now being in his hands as State Treasurer.

From general
fund.

Section 2. That the said sum of Two Hundred and Nineteen dollars and Seventy cents be and the same is hereby expressly appropriated and set apart out of any moneys now being in the hands of the State Treasurer for the purposes mentioned in Section 1 of this Act.

Section 3. This Act shall be deemed and taken to be a public Act.

Approved, March 16, A. D. 1905.

OF FREE SCHOOLS.

CHAPTER 109.

OF FREE SCHOOLS.

AN ACT authorizing the Commissioners of School Districts Nos. 24 and 159 in Sussex County, to borrow money to buy a site, build a school house, furnish the same, refunding the outstanding indebtedness and secure the payment of the same.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of all the members elected to each House of the General Assembly, concurring therein):

Section 1. That the Commissioners of School Districts Nos. 24 and 159 or their successors in office are hereby authorized and empowered to borrow upon such terms and conditions as in their discretion they may think best, a sum of money not to exceed Two Thousand Five Hundred dollars for the purpose of buying a site for a school house, and erecting and constructing thereon a suitable school building, fully to complete and furnish the same, in consolidated school districts Nos. 24 and 159 in Sussex County, for school purposes and refunding the outstanding indebtedness against said districts, and to secure the payment of the same with interest in annual installments of one hundred dollars each.

School Districts Nos. 24 and 159 authorized to borrow money to buy a site and build new school house.

Section 2. That the said Commissioners and their successors in office are hereby authorized, directed and required to levy and collect yearly (in addition to the tax for carrying on the school directed to be levied at the stated meeting) such sum of money as shall be necessary to meet said annual payment and pay the same according to the condition upon which the said sum of One Thousand Dollars was borrowed, the same to be levied as other school money is levied in said districts.

Commissioners authorized to levy additional tax.

Section 3. That the said Commissioners may apply whatever money is now in hand, or may accumulate above what is necessary to meet the current expenses of the school to the building fund.

May apply funds now in hand for building.

OF FREE SCHOOLS.

Funds borrowed to be accounted for to school voters.

Section 4. That the money borrowed under the authority of Section 1 of this Act shall be expended by the authority and under the supervision of the Commissioners of the said district, who shall present their accounts, together with their vouchers, to the school voters of said district at the annual meeting of said voters for settlement.

Approved, March 21, A. D. 1905.

CHAPTER 110.

OF FREE SCHOOLS.

AN ACT to revive and re-enact Chapter 45 Volume 15, Laws of Delaware, being an act entitled "An Act to consolidate School District Nos. 70, 102, 70½ and 102½ in Sussex County, and for other purposes."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of all the members elected to each House concurring therein):

Chapter 45,
Volume 15,
re-enacted.

Section 1. That Chapter 45, Volume 15, Laws of Delaware being an act entitled "An Act to Consolidate School Districts Nos. 70, 102, 70½ and 102½ in Sussex County and for other purposes" be and the same is hereby revived and re-enacted, and the corporation thereby created shall have perpetual existence.

Corporation
made perpetual

Approved, April 3, A. D. 1905.

OF FREE SCHOOLS.

CHAPTER III.

OF FREE SCHOOLS.

AN ACT authorizing the Commissioners of School District No. 57, Sussex County to borrow Three Hundred and Fifty Dollars for the purpose of repairing their school building.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Francis J. Wheatley, Clerk, Philip O'Neal and Alexander C. Taylor, Commissioners, of Washington School, District No. 57, Sussex County, or the incumbents of said offices, on the first day of June, A. D. 1905, be and they are hereby authorized and empowered to negotiate a loan of Three Hundred and Fifty dollars with which to pay for the repairing and remodeling of their school house in said district. The payment of said loan shall be secured by judgment bond, bearing interest at six per centum per annum, payable annually, and the said principal debt payable in five equal annual installments of Seventy dollars each.

School District No. 57, Sussex County, authorized to borrow \$350 to repair school building.

Loan, how to be secured.

Section 2. The said judgment bond shall be dated the first day of June, A. D. 1905, and shall be executed by the Clerk and Commissioner holding office at that time in their official capacities. The faith and credit of the said school district are hereby expressly authorized to be pledged for the payment of said debt and interest.

Bond, by whom executed.

Section 3. That for the purpose of providing for the payment of said loan according to its terms and conditions, the commissioners of said school district, or their successors in office, are hereby authorized, directed and required to levy and collect yearly from the taxables of said school district, in addition to the tax for carrying on a school directed to be levied at the stated meetings, the sum of seventy dollars in each and every year, with interest on the whole principal loan or on any unpaid balance thereof, until the whole of said sum of Three Hundred and fifty dollars and all interest shall be paid. The same to be levied and collected as other school money is collected. The said additional yearly sum of prin-

Loan to be paid by additional levy of tax.

OF FREE SCHOOLS.

cipal and interest of said loan to be used for the purpose of paying off said loan, with its interest as the same becomes due and payable, according to the terms thereof.

Section 4. That this Act shall be deemed and taken to be a public Act.

Approved, March 30, A. D. 1905.

CHAPTER 112.

OF FREE SCHOOLS.

AN ACT for the relief of School District No. 213 in Sussex County, and making an appropriation to said District.

Preamble Whereas, School District No. 213 in Sussex County was deprived of the State Dividend for the years 1903 and 1904 through the neglect of the outgoing Clerk of said District in not making settlement with the State Auditor for the year 1902-3, pursuant to law;

Preamble. And Whereas, the said failure to so settle with said State Auditor was unknown to the Commissioners and the incoming Clerk of said School District until after the State Dividend was awarded to the sundry School Districts in Sussex County;

Preamble. And Whereas, the taxables in said District raised the sum of \$187.75 through borrowing money and securing private subscriptions to run the said school the required 140 days;

Preamble And Whereas, the said District paid the school teacher the sum of \$187.75 for the salary for said term; therefore,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (with the concurrence of three-fourths of all the members elected to each House of the General Assembly):

OF FREE SCHOOLS.

Section 1. That the State Treasurer is hereby authorized and directed to draw his check to the order of School Commissioners of School District No. 213, in Sussex County, for the sum of \$187.75, to reimburse the said District for the salary paid said teacher for running the school said term, the said sum (being the amount so raised by said District in lieu of the State Dividends so lost to said District).

Appropriation
of \$187.75 to
School District
No. 213, in
Sussex County.

Approved, March 30, A. D. 1905.

CHAPTER 113.

OF FREE SCHOOLS.

AN ACT directing Robert M. Burns Treasurer of New Castle County to pay to the New Castle County School Commission the sum of Five Hundred and Twenty-four Dollars and Eighty-three cents, being balance remaining in his hands from colored school taxes collected prior to the year 1898, and providing for the distribution of the same.

Whereas—Robert M. Burns Treasurer of New Castle County reports balance in his hands of Five Hundred and Twenty-four Dollars and Eighty-three cents, collected as colored school taxes throughout New Castle County under the school tax laws existing prior to May 12th A. D. 1898, and—

Preamble.

Whereas—under the Act entitled “An Act concerning the establishment of a General System of Free Public Schools” approved May 12th A. D. 1898, there is no provision made for the distribution of the balance above mentioned, therefore—

Preamble.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Robert M. Burns Treasurer of New Castle County is hereby directed to pay to the New Castle County School Commission the aforesaid sum of Five Hundred and Twenty-four Dollars and Eighty-three cents, and a

Treasurer of
New Castle
County directed
to pay
School Commission
of said
county \$524.83.

OF FREE SCHOOLS.

receipt signed by the three members of the New Castle County School Commission shall be a full receipt and discharge, to him, therefor.

Said School
Commission to
distribute
said funds.

Section 2. That the said New Castle County School Commission is hereby authorized and directed to distribute the said sum of Five Hundred and Twenty-four Dollars and Eighty-three cents, in such amounts and to such of the colored schools in New Castle County as in the judgment of the members of said commission are most in need of help and where such a distribution would accomplish the best results.

Approved, March 16, A. D. 1905.

OF FREE PUBLIC LIBRARIES.

CHAPTER 114.

OF FREE PUBLIC LIBRARIES.

AN ACT to amend Chapter 362, Volume 22, Laws of Delaware, being an Act entitled "An Act providing for the establishment and maintenance of Free Public Libraries" making United School Districts Nos. 67, 96, 106 and 107, in Sussex County, a District of the first-class, prescribing the mode of calling and fixing the time for holding the Election at which the question as to the establishment of a Free Public Library in said District shall be submitted to the qualified electors of said District.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Chapter 362, Volume 22, Laws of Delaware, being an Act entitled "An Act Providing for the Establishment and Maintenance of Free Public Libraries" approved March 9, A. D. 1901, and amended and approved March 31, A. D. 1903, be and the same is hereby amended by adding at the end of Section 6 thereof the following paragraph, viz: "Provided, however, that the provisions of paragraphs one and two of this Section shall not govern or determine of which class United School Districts Nos. 67, 96, 106 and 107 in Sussex County is; and said United School Districts Nos. 67, 96, 106 and 107 in Sussex County be and the same is hereby expressly declared to be a District of the First Class; and all the provisions of this Act relating to a District of the First Class are hereby expressly declared to be applicable to United School Districts Nos. 67, 96, 106 and 107 in Sussex County."

Section 6 of Chapter 362, Volume 22, amended.

School Districts Nos. 67, 96, 106 and 107 district of first-class.

Section 2. That said Chapter 362, Volume 22, Laws of Delaware, be and the same is further amended by adding at the end of Section 7 thereof the following:

Section 7, Chapter 362, Volume 22, amended.

"Provided, however, that in United School Districts Nos. 67, 96, 106 and 107 in Sussex County the method of petitioning for and the time of holding such election shall be as follows: The Board of Commissioners of the Public Schools of Georgetown, Sussex County" of said District shall, when petitioned so to do by at least twenty qualified electors in said District, submit the question as to the establishment of a

Defining condition for submission to voters of School Districts Nos. 67, 96, 106 and 107.

OF DELAWARE COLLEGE.

free public library in said District to the qualified electors thereof, at a special election to be held on the fifth Monday next succeeding the date of the presentation of said petition to the said "The Board of Commissioners of the Public Schools of Georgetown, Sussex County".

Approved, March 21, A. D. 1905.

CHAPTER 115.

OF DELAWARE COLLEGE.

AN ACT to appropriate Fifteen Thousand Dollars for the erection, alteration and repair of buildings for Delaware College.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (three-fourths of all the members elected to each House concurring therein):

Appropriation
of \$15,000 to
repair, etc.
building at Del-
aware College.

Section 1. That for the erection, alteration and repair of necessary buildings on the grounds of Delaware College, at Newark, in the State of Delaware, to better enable the Board of Trustees to carry into effect the purposes as provided by the various Acts of Congress, applicable thereto, and for other purposes, the sum of Fifteen Thousand Dollars is hereby appropriated out of any money not otherwise appropriated, to be paid by the State Treasurer to the Trustees of said College, as follows: One-half thereof on the first day of July A. D. nineteen hundred and five, and the other half thereof on the first day of July A. D. nineteen hundred and six.

Approved, March 20 A. D. 1905.

OF STATE COLLEGE FOR COLORED STUDENTS.

CHAPTER 116.

OF STATE COLLEGE FOR COLORED STUDENTS.

AN ACT to appropriate Six Thousand Dollars for the erection, alteration and repair of buildings for the State College for Colored Students.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (three-fourths of all the members elected to each House concurring therein:

Section 1. That for the erection, alteration and repair of necessary buildings on the grounds of the State College for Colored Students, near Dover, in the State of Delaware, to better enable the Board of Trustees to carry into effect the purposes as provided by the various Acts of Congress, applicable thereto, and for other purposes, the sum of Six thousand dollars is hereby appropriated out of any money not otherwise appropriated, to be paid by the State Treasurer to the Trustees of said College as follows: One-half thereof on the first day of July A. D. nineteen hundred and five, and the other half thereof on the first day of July A. D. nineteen hundred and six.

Appropriation of \$6,000 for repair of building of State College for Colored Students.

Approved, March 20, A. D. 1905.

OF REFORM SCHOOLS.

CHAPTER 117.

OF REFORM SCHOOLS.

AN ACT to renew the Charter of the Ferris Industrial School.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (with the concurrence of two-thirds of all the members elected to each House of the General Assembly).

Re-incorpora-
tion of Ferris
Industrial
School.

Section 1. That the Act entitled "An Act to Incorporate the Ferris Reform School" (now known as the Ferris Industrial School) passed at Dover March 10, 1885, and all the several supplements and amendments thereto, be and the same are hereby re-enacted and the corporation thereby created shall have perpetual succession from and after the passage of this Act.

Charter
Perpetual.

Approved, March 14, A. D. 1905.

OF REFORM SCHOOLS.

CHAPTER 118.

OF REFORM SCHOOLS

AN ACT to further amend Chapter 495, Volume 17, Laws of Delaware, entitled "An Act to incorporate the Ferris Reform School".

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring):

Section 1. That Section 3 of Chapter 495, Volume 17, Laws of Delaware, entitled "An Act to Incorporate the Ferris Reform School" is hereby amended by striking from the said Section 3 the words "the judge of the Superior Court resident in New Castle County."

Section 3,
Chapter 495,
Volume 17,
amended.

Section 2. That Section 6 of said Chapter 495 is hereby stricken out and the following substitute* in lieu thereof:

Section 6,
Chapter 495,
Volume 17,
amended.

"Section 6. Any minor committed to the custody of the said board by the Municipal Court for the City of Wilmington, or any Justice of the Peace, may by his parent, guardian or next friend, at any time within ninety days after the date of such commitment, upon giving security for costs as hereinafter provided, appeal to the Resident Associate Judge of New Castle County, who shall re-hear the case; and for that purpose shall cause said minor to be brought before him and also the witnesses on behalf of the said board and the said minor, and upon such re-hearing, if it shall appear to the judge that such minor was without sufficient cause committed to the custody of said board, he shall be discharged, otherwise remanded to their custody; or if he had been committed on conviction of a criminal offence, the judge, without remanding him to the custody of said board, may in his discretion, direct that the penalties prescribed by law for the offence be enforced, and such judgment shall be final.

Parent, etc. of
minor committed
may appeal
within 90 days
to Resident
Judge.

Powers of
Resident Associate
Judge
on appeal.

Such appeal shall not be allowed unless such parent, guardian or next friend shall first give bond to the State of Delaware, in such amount, and with such surety as shall be ap-

Bond must be
first given be-
fore appeal
allowed.

*So Enrolled.

OF REFORM SCHOOLS.

proved by such judge, conditioned for the payment of the costs of such appeal and re-hearing in case such minor shall not be discharged from the custody of said board".

Approved, March 27, A. D. 1905.

CHAPTER 119.

OF REFORM SCHOOLS.

AN ACT to further amend the Act, entitled, "An Act to incorporate the Ferris Reform School."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each House of the General Assembly concurring).

Chapter 495,
Volume 17,
amended.

Section 1. That the Act entitled, "An Act to Incorporate the Ferris Reform School" passed at Dover March 10, 1885, be and the same is hereby further amended; by striking out Section 8 of the said Act as amended and inserting in lieu thereof the following:

Annual appro-
priation by
Levy Court.

"Section 8. The Levy Court of New Castle County, shall provide and appropriate toward the maintenance and education of each boy now in the custody of the Board of Trustees of the said school, or who may hereafter be so committed to such custody under Section 5 of the said Act, the sum of forty cents per day for each boy; the appropriation to be payable monthly, and to be based upon the number of boys in said school upon the first day of each preceding month, as shown by the monthly certificate to be furnished by said Board."

Appropriation
payable
monthly.

Section 2. By adding to the end of Section 5 of said Act the following:

OF REFORM SCHOOLS.

"That the Court of General Sessions of the State of Delaware sitting in and for Kent or New Castle* County, shall have power to commit to the custody of said Board of Trustees, any boy between the age of nine and sixteen years, who may be convicted in either of said counties of any criminal offense. It shall be the duty of the said Board to receive any boy so committed, unless the offense be that of homicide, arson or rape. The County Treasurer of the County from which any boy is so committed shall pay for the maintenance and education of the said boy to the said Board at the rate of forty cents per day for each boy, who now is or hereafter may be in such custody. The monthly amount to be ascertained in the same manner as that of boys committed from New Castle County. The Levy Court of each county shall provide the money for such payment."

Court of General Sessions in Kent or New Castle County to commit certain convicts.

County from which convict committed to pay for maintenance.

"The said board in its discretion, shall have power to discharge finally any boy in its custody after he shall attain the age of eighteen years; if the board shall determine such discharge to be for the best interests of the boy or of the school. After such discharge, the board shall be relieved of all liability for any such boy."

Board may discharge boy, when.

Section 3. Chapter 74 Volume 21, and Chapter 133 Volume 22 of the Laws of Delaware, are hereby repealed. The foregoing provisions of this Act being designed as a substitute for said Chapters.

Chapter 74, Volume 21 and Chapter 133, Volume 22, repealed.

Section 4. That after the approval of this Act it shall be unlawful for any Director or Trustee of the Ferris Industrial School to be either directly or indirectly interested in any company, firm or corporation furnishing supplies in said School.

Unlawful for Directors to be interested in company, etc. furnishing supplies.

Approved, March 27, A. D. 1905.

*So Enrolled.

OF VETERINARIANS.

CHAPTER 120.

OF VETERINARIANS.

AN ACT to amend Chapter 364, Volume XXII, Laws of Delaware, entitled "An Act to regulate the practice of Veterinary Medicine and Surgery in the State of Delaware", in order to exempt from certain requirements therein persons who held unexpired licenses from this State to practice said profession at the time said Act became a law.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 4,
Chapter 364,
Volume 22,
amended to
admit certain
persons to prac-
tice as veteri-
nary surgeon.

Section 1. That Section 4 of Chapter 364, Volume XXII, Laws of Delaware, be and the same is hereby amended by inserting between the word "Board" and the word "or" where they occur in line fifteen of said section the words "or who has, at the time this Act shall become a law, a license issued by the Clerk of the Peace of any county of this State under the authority of the State of Delaware authorizing him to practice veterinary medicine and surgery, which license will expire after this Act shall become a law"; and by adding to said Section after the last word thereof the words "or his license, granted by authority of the State of Delaware, and issued by a Clerk of the Peace of any County in Delaware, which sets out authority from this State to practice veterinary medicine or surgery until a time later than the time this Act shall become a law and granted before the time this Act shall become a law.

Approved, March 30, A. D. 1905.

TITLE SEVENTH.

Of the Poor ; the Insane ; Deaf and Dumb, and the Blind.

CHAPTER 121.

OF THE INSANE.

AN ACT in relation to the admission of insane persons to the Delaware State Hospital at Farnhurst.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the State Board of Trustees of the Delaware State Hospital at Farnhurst be and they are hereby empowered and directed to name two physicians, of different Schools of Medicine, residing in the City of Wilmington, to hold office for a term of three years, or until their successors are chosen; the said the State Board of Trustees of the Delaware State Hospital at Farnhurst are authorized to change for just and legal cause one or both of said physicians and to name others in their stead, provided there shall be at all times two such physicians representing two Schools of Medicine; and at the expiration of the term for which any such physician is appointed to reappoint another for a further period of three years.

Board to name two physicians from Wilmington for term of three years.

May change same for cause.

Proviso.

Section 2. That hereafter no person shall be admitted to the Delaware State Hospital at Farnhurst upon the certificate of any physician, or physicians, living in the City of Wilmington, unless the said certificate be signed by at least one of the physicians appointed as provided in the First Section of this Act.

No person admitted unless certificate signed by one of said physicians.

OF THE INSANE.

Physicians in
ordering com-
mitment, how
governed.

Section 3. The said physicians appointed as provided in the first Section of this act shall be governed by the provisions of Chapter 644, Volume 19, Laws of Delaware, and any supplements or amendments thereto; and no person shall be committed to the said Hospital excepting as may now or hereafter be provided by law.

Compensation.

Section 4. The physicians appointed under the provisions of this Act shall receive from the Levy Court of New Castle County for each person examined by them the same compensation as the Levy Court of New Castle County may from time to time allow to other physicians for the examination of an insane person for the purpose of committing such person to the said Hospital, provided that no such compensation shall be paid by the said Levy Court unless it be found proper to commit such person to the said Hospital.

Proviso.

Approved, April 3, A. D. 1905.

CHAPTER 122.

OF THE INSANE.

AN ACT in relation to the Delaware State Hospital at Farnhurst, limiting the powers of and requiring the Board of Trustees to pay to the State Treasurer all moneys received from any source other than the appropriation made by the State and the Special Fund provided by this Act.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Board prohib-
ited from erect-
ing building.

Section 1. That when and after this Act becomes a law the Board of Trustees of the Delaware State Hospital at Farnhurst are expressly prohibited from contracting for the building, erection or construction of any building or buildings and from building, erecting or constructing any building or buildings.

OF THE INSANE.

Section 2. That the said Board of Trustees shall keep or have kept a full, true and accurate account of all moneys received at said Hospital for the board, care and attention of patients at said hospital commonly known as pay patients, and all moneys arising from any other source than the annual appropriations made to such hospital by the State, and the special fund provided for hereinafter, and shall pay the same over to the State Treasurer of the State of Delaware on the first days of March, June, September and December in each and every year, at the same time filing with the State Treasurer a full statement of the same.

Board to keep account of funds received from all sources.

Pay same to State Treasurer

Section 3. That the State Treasurer shall open and keep a separate account of such moneys so paid him as provided in Section 2 of this Act to be known as "Special Emergency Fund of the Delaware State Hospital at Farnhurst" which said fund shall not be drawn upon by said Board of Trustees until the annual appropriations made by the State are exhausted, and then only to be used for the actual expenses for operating the hospital.

State Treasurer to open account of Special Emergency Fund.

When and for what purpose funds may be used.

The State Treasurer is hereby authorized and directed upon the filing with him by said Board of Trustees of a certificate that the annual appropriation made by the State have been exhausted, to honor and pay orders of the said Board of Trustees of the Delaware State Hospital at Farnhurst out of said fund, charging the said orders against the said fund.

When State Treasurer may honor drafts on fund.

Section 4. That all Acts or parts of Acts inconsistent with this Act are hereby repealed.

Approved, March 21, A. D. 1905.

TITLE EIGHTH.

Of the General Police.

CHAPTER 123.

GENERAL PROVISIONS RESPECTING THE POLICE.

AN ACT to limit the age and employment of labor of children and minors, and to appoint an Inspector for the enforcement of the same.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Age limit of
minor
employees.

Section 1. That from and after the first day of July one thousand nine hundred and five, no child or minor under the age of fourteen years shall be employed in any factory, workshop or establishment where the manufacture of any goods whatever is carried on.

Child between
14 and 16 may
be employed
only under cer-
tain conditions

Section 2. That from and after the first day of July one thousand nine hundred and five no child between the ages of fourteen and sixteen years shall be employed in any factory, workshop or establishment where the manufacture of any kind of goods whatever is carried on, unless such child shall have attended, within twelve months immediately preceding such employment some public, day or night school, or some well recognized school; such attendance to be for five days or evenings every week during a period of at least twelve consecutive weeks which may be divided into two terms of six consecutive weeks, so far as the arrangement of school terms will permit, and unless such child, or his parents or guardian, shall have presented to the manufacturer or other employer seeking to employ such child a certificate giving the names of parents or guardian, the name and number of the school

Proviso.

GENERAL PROVISIONS RESPECTING THE POLICE.

attended, and the number of weeks in attendance such certificate to be signed by the teacher or teachers of such child; provided, that in case the age of the child be not known, such teacher shall certify that the age given is the true age, to the best of his or her knowledge or belief.

Section 3. That no child or children under the age of sixteen years shall be employed in any factory, workshop or establishment where the manufacture of any kind of goods is carried on for a longer period than nine hours a day or fifty-four hours a week, and further provided, that every such child so employed shall be entitled to not less than thirty minutes for meal time at noon, and every employer shall post in a conspicuous place, where such minor children are employed a printed notice, stating that the maximum work hours required in any one week shall not exceed fifty-four hours. That the Governor shall immediately after the passage of this bill, appoint by and with the advice and consent of the Senate some suitable person, who shall be a resident and citizen of this State, who shall be designated and known by the official title of "Factory and workshop inspector", and who shall receive a salary of One Thousand Dollars per year, payable in equal quarterly installments of Two Hundred and Fifty Dollars, and who shall hold office for the term of two years; the said inspector shall be empowered to visit and inspect at all reasonable hours and as often as practicable all factories, workshop's* and other establishments in this state, where the manufacture or sale of any kind of goods is carried on, and it shall be the duty of the said inspector to enforce the provisions of this Act and to prosecute all violations of the same as hereinafter provided, and he shall have the power to demand a certificate of physical fitness from some regularly licensed physician of the State or county in which such establishment is located in the case of a child under sixteen years of age, who may seem physically unable to perform the labor at which such child may be employed, and the said inspector shall have power to prohibit the employment of any such child under the age of sixteen years, who shall be unable to obtain such certificate.

Limit of hours
of child labor.

Proviso.

Governor to
appoint Fac-
tory and Work-
house Inspec-
tor.

Salary, how
payable.

Term.

Powers.

Duties.

When may
prohibit em-
ployment of
child labor.

Section 4. It shall be the duty of every person or corporation employing a child or children under the provisions of

Employer to
keep register
of children
employed.

*So Enrolled.

GENERAL PROVISIONS RESPECTING THE POLICE.

What to contain.	this Act to keep a register, in which shall be recorded the name, age, day of birth and place of residence of every child under the age of sixteen years so employed by such person or corporation, and it shall be unlawful for any person or corporation to employ any minor under the age of sixteen years unless there is furnished to said person or corporation a sworn statement made by the parent or guardian of such minor, stating the name, date and place of birth of such minor.
Unlawful to employ unless furnished certain certificate.	
Misdemeanor.	Section 5. That every person, or the officer or officers of any corporation violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof
Penalty.	shall be fined a sum not less than Fifty Dollars nor more than One Hundred Dollars for each and every such offence.
Inspector to examine sanitary conditions of shop.	Section 6. That it shall be the duty of such factory or workshop inspector appointed under the provisions of this Act to inspect the sanitary conditions of any factory workshop or other establishment, wherein minors are employed in accordance with the provisions of this Act and to make report in writing of his findings to the Governor, to the Board of Health of the City of Wilmington and the State Board of Health quarterly, or more frequently if he shall deem it necessary.
Report of Inspector, to whom made.	
Employer excepted.	Section 7. That the provisions of this Act shall not apply to any person or corporation engaged in the canning or preserving of fruits, vegetables or provisions or in the carrying on of any agricultural business "or to any person or persons, firm or corporation, engaged in the manufacture of fruit and berry baskets."
Child under 16 years may be employed upon certificate from Inspector.	Section 8. That in every case where it shall appear to the satisfaction of the inspector appointed under the provisions of this Act, that any child or children under the age of sixteen years is a means of support and maintenance of a widowed mother that in every such case, the inspector may in his discretion issue a certificate to such child or children authorizing their employment, any provisions of this Act to the contrary notwithstanding.
When such certificate may be issued.	

Section 9. All Acts and parts of Acts inconsistent herewith are hereby repealed.

Approved, April 18, A. D. 1905.

GENERAL PROVISIONS RESPECTING THE POLICE.

CHAPTER 124.

GENERAL PROVISIONS RESPECTING THE POLICE.

AN ACT defining Motor Vehicles and providing for the registration of the same and uniform rules regulating the use and speed thereof.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. Wherever the term "motor vehicle" is used in this act it shall be construed to include automobiles, locomobiles and all other vehicles propelled wholly otherwise than by muscular power, excepting cars of electric and steam railways and other motor vehicles running upon rails or tracks; but nothing in this act contained shall be construed to apply to or affect bicycles, tricycles or such other vehicles as are propelled exclusively, or in part, by muscular pedal power.

Motor vehicle defined.

Section 2. Every resident of this State who is the owner of a motor vehicle shall file in the office of the Secretary of State a declaration duly verified that such owner is competent to drive the motor vehicle for which application for license is made, and a written statement containing the name and address of such owner, together with a brief description of the character of such motor vehicles, including the name of the maker and the manufacturer's number of the motor vehicle, if number there be, and the rated horse power of the motor vehicle, and shall pay to the Secretary of State a registration fee of two dollars for each motor vehicle; the Secretary of State shall issue for each motor vehicle so registered a certificate, properly numbered, stating that such motor vehicle is registered in accordance with this section, and shall cause the name of such owner, with his address, the number of his certificate, and a description of such motor vehicle or motor vehicles, to be entered in an alphabetical order of the owners' names in a book to be kept for such purpose; this section shall not apply to manufacturers or dealers in this State of motor vehicles except as to vehicles kept by such manufacturer or such dealer for private use or for hire.

Resident owner must file verified declaration

Statement, what to contain.

Registration fee.

Certificate of registration.

Registration book to be kept by Secretary of State.

GENERAL PROVISIONS RESPECTING THE POLICE.

Applicable to
non-residents,
when.

Any non resident of this State who is the owner of a motor vehicle may remain in this State for a period of forty-eight hours without being required to register his vehicle in accordance with the provisions of this Act.

Any non-resident of this State who is the owner of a motor vehicle who shall remain in this State for a longer period than forty-eight hours shall be subject to all the provisions of this Act.

Motor vehicle
to have dis-
played on
machine the
license number.

Section 3. The owner of each and every motor vehicle driving the same upon the public streets, public roads, turnpikes, parks, public parkways, public driveways or other public highways in this State shall have the number of the license issued as aforesaid by the Secretary of State upon the back of every such motor vehicle, in a conspicuous place, so as to be plainly visible at all times during daylight, such numbers to be separate Arabic numerals, not less than three inches in height, the strokes to be of a width not less than three-eighths of an inch, and such owner shall not be required to place any other marks of identity upon said motor vehicle.

Size of numbers
on license tag.

Motor to carry
lights.

Section 4: Every motor vehicle shall carry, during the period from one hour after sunset to one hour before sunrise, at least two lighted lamps, showing white lights, visible at least two hundred feet in the direction toward which such motor vehicle is proceeding, and shall also exhibit one red light visible in the reverse direction. Such red light shall be so hung upon the motor vehicle so that it may illuminate and make visible the register number of said vehicle. Every motor vehicle shall also be provided with a good and efficient brake or brakes, and shall also be provided with suitable bell, horn or other signal device.

Motor to be
provided with
brakes and
alarm device.

Rates of speed.

Section 5. The following rates of speed may be maintained, but shall not be exceeded upon any public street, public road, or turnpike, public park or parkway, or public driveway, or public highway in this State by anyone driving a motor vehicle:

a.—A speed of one mile in six minutes upon the sharp curves of a street or highway and at the intersection of prominent cross-roads where such street, road or highway passes through the open country, meaning thereby portions of a

GENERAL PROVISIONS RESPECTING THE POLICE.

town, township, borough or village where houses are more than one hundred feet apart.

b.—A speed of one mile in seven minutes where such street or highway passes through the built up portion of a city, town, borough or village where the houses are and average less than one hundred feet apart.

c.—Elsewhere and except as otherwise provided in subdivisions "a" and "b" of this Section a speed of one mile in three minutes; provided, however, that nothing in this section contained shall permit any person to drive a motor vehicle at any speed greater than is reasonable, having regard to the traffic and use of highways, or so as to endanger the life or limb or to injure the property of any person; and it is further provided that nothing in this section contained shall affect the right of any person injured either in his person or property by the negligent operation of a motor vehicle to sue and recover damages as heretofore.

Section 6. Every person driving a motor vehicle shall, at request or upon signal by putting up the hand or otherwise from a person riding or driving a horse or horses in the opposite direction, cause the motor vehicle to stop and remain stationary so long as may be necessary to allow said horse or horses to pass on.

Motorist, on signal, must come to standstill, when.

Section 7. No owner of a motor vehicle who shall have obtained a certificate from the Secretary of State as hereinbefore provided, shall be required to obtain any other license or permit to use or operate the same, nor shall such owner be excluded or prohibited from or limited in the free use thereof, nor limited as to speed upon any public street, avenue, road, turnpike, driveway, parkway, or other public place, at any time, when the same is or may hereafter be opened to the use of persons having or using other pleasure carriages, nor be required to comply with other provisions or conditions as to the use of said motor vehicle.

Motorist licensed under this act not subject to other impositions than applicable to other pleasure carriages.

Section 8. Any person driving a motor vehicle the owner of which shall not have complied with any of the provisions of this Act, or which motor vehicle shall display a fictitious number, the same being a number other than that designated for such motor vehicle by the Secretary of State, shall, upon

Violation of this act declared to be misdemeanor.

GENERAL PROVISIONS RESPECTING THE POLICE.

Penalty. conviction, be fined in a sum not exceeding one hundred dollars, and, in default of payment thereof, be punished by imprisonment in the county jail for a period not exceeding thirty days; provided, this section shall not be construed to prohibit a motor vehicle displaying the proper number of its license from also displaying any other number for any lawful purpose.

Racing prohibited. Section 9. Any person driving a motor vehicle upon any public streets, public highways, public roads, turnpikes, parks, public parkways or public driveways in this State in a race or on a bet or wager shall, upon, conviction, be fined in a sum not exceeding fifty dollars, and, in default of payment thereof, be punished by imprisonment in the county jail for a period not exceeding twenty days.

Violation subject to penalty. Section 10. The Justices of the Peace of this State shall have jurisdiction of all offences against the provisions of this Act, and upon oath or affirmation made that any person has violated any of the provisions of this Act, any Justice of the Peace of the State of Delaware may issue a warrant for the arrest of the person so charged. Said warrant shall state what section or provision of this Act is alleged to have been violated by the defendant or defendants and the time and place of said violation; and immediately upon the arrest of such person, or at any time to which the trial may be adjourned, the Justice of the Peace before whom said complaint shall be made, shall proceed with the trial of the case, and shall hear the testimony, and determine and give judgment in the matter, and if upon such trial the Justice of the Peace shall find the person arrested to be guilty, he shall give judgment for such penalty as is provided for in this Act, and for such costs as are now allowed by law in the prosecution of cases before Justices of the Peace in this State, and, in default of the payment of the judgment and the costs, the defendant so convicted may be sentenced to imprisonment for such period as is provided for in the provisions of this Act. The Justice of the Peace before whom a complaint is made shall adjourn the hearing of said case for a time not exceeding ten days, if the defendant shall so request and shall deposit the sum of One Hundred dollars with the Justice of the Peace as security to appear at the time and place to which said hearing may be adjourned, and if the said defendant fails to so appear, then

Justice of the Peace given jurisdiction of offences under this Act.

Warrant issued on affidavit.

Warrant to contain what.

Hearing.

Judgment.

Default of payment, defendant to be imprisoned.

Adjournment of hearing.

Security on adjournment.

GENERAL PROVISIONS RESPECTING THE POLICE.

the said sum of One Hundred Dollars, so deposited, shall be forfeited to the county wherein the alleged offence is committed.

Section 11. Any constable or police officer is hereby authorized to arrest without warrant any person driving a motor vehicle contrary to the Fifth Section of this Act, and bring the person so offending before any Justice of the Peace of the State of Delaware. The person so offending shall be detained in the office of such Justice of the Peace until the officer or constable making such arrest shall make oath or affirmation, which he shall do forthwith, as provided in Section 10 of this Act, whereupon said Justice of the Peace shall issue a warrant returnable forthwith in accordance with the provisions of Section 10 of this Act. Any defendant convicted under any of the provisions of this Act may appeal from the judgment or sentence of the Justice of the Peace to the Court of General Sessions of the State of Delaware in and for the county in which the said offence is alleged to have been committed, within three days from the date of said sentence.

Any police officer may arrest without warrant.

Warrant then to issue returnable forthwith.

Appeal.

Within what time.

Any defendant appealing shall enter into recognizance with sufficient surety in such sum as may be satisfactory to the Justice, conditioned for the appearance of said defendant at the next Court of General Sessions for the County where the offence is alleged to have been committed.

Appeal bond.

Upon appeal the said Court of General Sessions shall have the same jurisdiction to hear and determine the appeal as it now has by law for the trial of misdemeanors, and the proceedings shall be by indictment by Grand Jury and trial by Petit Jury.

Proceedings on appeal.

Section 12. Any person violating any of the provisions of this Act, for which violation no specific penalty is provided, shall, upon conviction, be fined in a sum not exceeding One Hundred Dollars, and, in default of payment thereof, may be punished by imprisonment in the county jail or workhouse for a period not exceeding thirty days.

Violation of any provisions of this act subject to fine.

Section 13. Any person using, interfering or tampering with any motor vehicle without the permission of the owner or the person in charge of said motor vehicle, shall, upon conviction be fined in a sum not exceeding One Hundred Dollars and, in default of payment thereof, may be imprisoned for a period not exceeding thirty days.

Using, interfering or tampering with motor without authority subject to penalty.

OF JAILS AND WORK HOUSES.

Traction engines exempt.

Section 14. That traction engines used for agricultural purposes shall be exempted from the provisions of this Act.

Section 15. All Acts or parts of Acts inconsistent herewith are hereby repealed.

Approved, April 6, A. D. 1905.

CHAPTER 125.

OF JAILS AND WORK HOUSES.

AN ACT to amend an Act entitled "An Act to establish the New Castle County Workhouse", being Chapter 247, Volume 21, Laws of Delaware, by providing for the carrying out and execution of certain judgments or sentences.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Chapter 247, Volume 21, amended by adding new Section.

Section 1. That Chapter 247, Volume 21, Laws of Delaware, be and the same is hereby amended, by adding a new Section to said Act, to be known as Section 7 thereof, which said Section 7, shall be and read as follows:

Hanging and corporal punishment to be carried out under direction of Board of Trustees.

"Section 7. That, on and after the first day of May A. D. 1905, all judgments or sentences considered and imposed by any Court or Magistrate sitting in and for New Castle County, upon every person convicted of any crime or misdemeanor, which judgments or sentences shall include, in whole or part, either the corporal punishment of such convict or the hanging of such convict, shall be carried out and executed by the Board of Trustees of the New Castle County Workhouse, by and through their keepers, officers, agents and servants, and not otherwise. All Acts or parts of Acts inconsistent with the provisions hereof, are hereby repealed".

Approved, March 10, A. D. 1905.

OF JAILS AND WORK HOUSES.

CHAPTER 126.

OF JAIL AND WORK HOUSES.

AN ACT to provide for the commitment to the New Castle County Workhouse of certain classes of prisoners in Kent and Sussex Counties.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That at the April Term A. D. 1907, of the Court of General Sessions of the State of Delaware, sitting in and for the County of Kent and in and for the County of Sussex, the Sheriff of Kent County and the Sheriff of Sussex County, shall bring or cause to be brought before the said Court all prisoners in the Jail of his County or in his charge whose unexpired term of imprisonment is for six months or over, for the express purpose of having said prisoners committed by the said Court to the Custody of the Board of Trustees of the New Castle County Workhouse for the residue of their unexpired term of imprisonment.

At April Term, 1907, certain prisoners in Kent and Sussex Counties to be committed to New Castle County Workhouse.

Section 2. That at the April Term A. D. 1907, of the Court of General Sessions of the State of Delaware sitting in and for Kent County and Sussex County, and at every term of court thereafter held in said Counties, all prisoners that may be sentenced or committed by the said Courts may in the discretion of the Court be committed to the custody of the Board of Trustees of the New Castle County Workhouse.

Thereafter prisoners of Kent and Sussex Counties may be committed to said Workhouse.

Section 3. The Levy Court of Kent County and the Levy Court of Sussex County shall pay for the support and maintenance of the prisoners so committed from each County forty cents per day per capita until the Workhouse loan is liquidated, and thereafter such amount only as will be the actual cost of maintenance.

Levy Court of such county to pay for maintenance of such prisoners.

Section 4. All the provisions of the Act entitled "An Act to establish the New Castle County Workhouse" approved March 16th, A. D. 1899, shall apply to the prisoners sentenced and committed as aforesaid, and said prisoners shall

Such prisoners subject to same conditions now applicable to New Castle County prisoners.

OF FISH, OYSTERS AND GAME.

be subject to all the conditions as now apply to persons committed to the New Castle County Workhouse from New Castle County.

Section 6.* All acts or parts of acts inconsistent herewith are hereby repealed.

Approved, April 3, A. D. 1905.

*So Enrolled.

CHAPTER 127.

OF FISH, OYSTERS AND GAME.

AN ACT to amend Chapter 250, Volume 21, Laws of Delaware, being an Act entitled "An Act providing that it shall be illegal to fish in the waters of the Delaware Bay or Delaware River within the jurisdiction of this State with a net or seine with meshes of which, when stretched, shall be less than two and five-eighths inches" by providing that nets or seines with smaller meshes may be used for fishing in Delaware Bay.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Chapter 250,
Volume 21,
amended,
relative to size
of meshes of
seine.

Section 1. That Chapter 250, Volume 21, Laws of Delaware, be and the same is hereby amended by striking out of Section 1 of said Chapter 250, the words "Delaware Bay or" in line three of said Chapter, and adding at the end of said Section 1, the following:—"and no person or persons shall use for the purpose of catching fish in the waters of Delaware Bay within the jurisdiction of this State, any net or seine the meshes of which, when stretched, shall be less than two inches."

Approved, March 30, A. D. 1905.

OF FISH, OYSTERS AND GAME.

CHAPTER 128.

OF FISH, OYSTERS AND GAME.

AN ACT to prevent Carp Fishing in the Delaware Bay and its Tributaries, South of the North Bank or shore of Appoquinimink Creek, during the months of July and August of each year.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That from and after the passage of this Act, it shall be unlawful for any person or persons to catch or in any wise to take or capture carp fish in the Delaware Bay or River or any of its tributaries, south of the north bank or shore of Appoquinimink Creek, within the limits of this State, during the months of July and August in each and every year. Closed season for carp fishing.

Section 2. That any person violating the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding Fifty dollars, or be imprisoned not less than thirty days or both at the discretion of the Court. Misdemeanor. Penalty.

Section 3. That this Act shall not be construed to repeal any former Acts in relation to carp fishing unless the same are manifestly inconsistent with this Act.

Approved, March 16, A. D. 1905.

OF FISH, OYSTERS AND GAME.

CHAPTER 129.

OF FISH, OYSTERS AND GAME.

AN ACT providing for the Surveying, Plotting and Staking of Oyster Plantations in the Delaware Bay within the jurisdiction of the State of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Governor to
appoint
Surveyor.

Surveyor
directed to
plot.

Each planta-
tion to be
staked.

Oyster Guard
Boat subject to
order of
Surveyor.

Oyster Revenue
Collector's
duty.

Blue print cop-
ies of plot.

Oyster Revenue
Collector to
notify persons
holding oyster
plantations
contrary to law

Section 1. That the Governor of Delaware be and he is hereby authorized, directed and empowered to appoint on or before the first day of May, A. D. 1905, some competent engineer or surveyor whose duty it shall be to survey and plot all that certain bottom of the Delaware Bay within the jurisdiction of the State of Delaware, which is appropriated and held by any person or persons for the purpose of planting and propagating oysters, under the provisions of Section 12, Chapter 653, Volume 19, Laws of Delaware, and when so surveyed and plotted to have each plantation properly marked with sufficient stakes so as to readily identify the same.

Section 2. The Oyster Police or Guard Boat together with its crew shall be subject to the order of the engineer or surveyor for the purpose of making such survey. It shall be the duty of the Oyster Revenue Collector to be present at, and have a general supervision over said survey, and it shall be his duty to keep an accurate account of all expenses, including the pay of the engineer or surveyors, and the same shall be paid by the State, upon the approval of the Governor.

Section 3. The engineer or surveyor shall have prepared at least seventy-five blue print copies of the plot or survey so made by him which shall be delivered to the Oyster Revenue Collector, to be by him disposed of as may seem to him most judicious. The Oyster Revenue Collector shall determine from the aforesaid survey, after the same is made and completed, whether any person or persons, company, firm or corporation are appropriating holding and using any

OF FISH, OYSTERS AND GAME.

portion of the said bottom of Delaware Bay within the limits as set out in Section 12, Chapter 653, Volume 19, Laws of Delaware, in excess of the number of acres which they are entitled to appropriate under said Section 12, Chapter 653, Volume 19, Laws of Delaware, and if it shall appear that such person or persons, firm, company or corporation are appropriating holding and using in excess of the number of acres authorized by Law, it shall be the duty of the Oyster Revenue Collector to give such person or persons, firm, company or corporation notice to remove any or all oysters from said bottom held in excess as aforesaid within sixty days from the date of notice and at the expiration of the sixty days to give up, surrender, cease holding and operating any such bottom as aforesaid, and it shall be unlawful thereafter for them to hold the same, and the same may be appropriated by any other person or persons by conforming with the Laws in such cases made and provided. Any person or persons, or agent, officer or employee of any firm, company or corporation failing to comply with the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding Five Hundred dollars and be imprisoned for a term not exceeding six months at the discretion of the Court.

to remove oysters and surrender excess.

Such vacated bottom may be appropriated by others.

Violation declared misdemeanor.

Penalty.

Section 4. The staking or marking of the grounds after the same have been surveyed and plotted shall be in accordance with the Law providing for the staking and marking of the plantations and shall, when any such stake or stakes shall have been destroyed be replaced by the holder of such plantation on or before the first day of May in each year and upon failure to re-stake shall be liable to a fine of Twenty-five dollars to be sued for and recovered for the use of the State.

Staking the grounds as surveyed.

When stakes are destroyed must be replaced.

Failure to re-stake subject to fine.

Section 5. After the aforesaid survey and plot has been made and blue-print copies of the same placed in the hands of the Oyster Revenue Collector he, together with the Guard Boat and crew, shall maintain a strict supervision over the persons already holding plantations and also over those who may make appropriations in the future, in order to see that all the requirements of the Law are complied with, especially the provisions of Section 12, Chapter 653, Volume 19, Laws of Delaware, as the same now are or may hereafter be amended.

Oyster Revenue Collector to have supervision.

OF FISH, OYSTERS AND GAME.

Survey to be
completed,
when.

Section 6. The said survey or plot shall be completed on or before the first day of May, A. D. 1906.

Approved, April 13, A. D. 1905.

CHAPTER 130.

OF FISH, OYSTERS AND GAME.

AN ACT to further protect the natural oyster beds of the State of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Unlawful to use
boat propelled
by steam, etc. to
take oysters.

Misdemeanor.

Penalty.

Line between
natural bed
and for
planting.

Section 1. That from and after the approval of this Act it shall be unlawful for any person or persons to use a boat, propelled by steam, gasoline, naphthaline or any other motor power, for the purpose of taking any oysters from the natural beds of the State; any person or persons violating the provisions of this Section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than Three Hundred Dollars, nor more than Five Hundred Dollars and be imprisoned for a term not more than three months, at the discretion of the Court.

Section 2. That an East line drawn from the end of the old Mahon's Road running a due East course to Blake's Channel shall be an established line between the part of the bottom which is set apart for planting purposes and the natural beds in the Bay.

Section 4. All Acts and parts of Acts inconsistent with this Act are hereby repealed.

Approved, April 13, A. D. 1905.

OF FISH, OYSTERS AND GAME.

CHAPTER 131.

OF FISH, OYSTERS AND GAME.

AN ACT requiring persons taking oysters from the natural oyster beds of this State to rough cull them.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That from and after the approval of this Act all persons taking Oysters from the natural oyster beds of the Delaware Bay shall be required to rough cull them and all shells and refuse matter shall be returned to the natural beds of the Delaware Bay. It shall be the duty of the captain of the Guard Boat to see that this provision is carried into effect, and, when in his judgment he deems it advisable to do so, he shall go upon any boat taking oysters from the natural beds, and shall with a bushel measure and a peck measure furnished him by the Oyster Revenue Collector for this purpose, measure so many of the culled oysters then being on the deck of such vessel, as he may deem proper, and if, in such measurement there shall be over twenty per cent of shells and refuse, the Captain of the Guard Boat shall forthwith present the matter to any Justice of the Peace of Kent or Sussex Counties, who shall fine said offending party or parties in a sum of Twenty Dollars, for the first offense, said fine to go to the Oyster Revenue Collector, to be by him accounted for as a part of the Oyster revenue of the State. A second offense, in addition to the aforesaid fine, shall of itself work a forfeiture of the offender's license to work on the natural beds for the remainder of the year for which such license shall have been granted.

Must rough cull oysters.

Captain of Guard Boat to enforce this Act.

Test to ascertain whether oysters properly rough culled.

Justice of Peace jurisdiction.

Fine.

To whom payable.

Second offense forfeiture of license.

Section 2. All Acts or parts of Acts inconsistent with this Act are hereby repealed.

Approved, April 13, A. D. 1905.

OF FISH, OYSTERS AND GAME.

CHAPTER 132.

OF FISH, OYSTERS AND GAME.

AN ACT to further protect the oyster interests of the State, by prohibiting the use of certain winders in catching oysters.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Power winders
operated by
motor power
prohibited.

Violation
declared a
misdemeanor.

Penalty

Section 1. That from and after the approval of this Act it shall be unlawful for any person engaged in the business of catching oysters, to take from the natural oyster beds of this State, any oysters by means of power-winders, in the operation of which steam, naphtha, gasoline, electricity or other motor power is used, or by any other device, contrivance or machine in the operation of which steam, naphtha, gasoline, electricity or other motor power is used. Every person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not exceeding Two Hundred Dollars, for each offense.

Section 2. All Acts or parts of Acts inconsistent with this Act are hereby repealed.

Approved, April 13, A. D. 1905.

OF FISH, OYSTERS AND GAME.

CHAPTER 133.

OF FISH, OYSTERS AND GAME.

AN ACT for the protection of oysters in Mispillion River.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That from and after the passage of this Act it shall not be lawful for any person or persons to take or catch any oysters for any purpose whatsoever from Mispillion River at any time between the first day of April and the first day of October in any year.

Unlawful to catch oysters between April 1st and October 1st in Mispillion River.

Section 2. That from and after the passage of this Act it shall not be lawful for any person or persons to sell or dispose of any oysters to be transported or carried away through the mouth of the Mispillion River into the Delaware Bay by boat, vessel, or otherwise, whether the said Oysters shall be intended for planting or for consumption as food, or for any other purpose.

Unlawful to sell for transportation through mouth of Mispillion River any oysters.

Section 3. That any person or persons violating any of the provisions of this Act, shall, upon the oath or affirmation of any person, be arrested and forthwith brought before any Justice of the Peace in Kent or Sussex County, and upon proof and conviction thereof the said person or persons shall be fined a sum not less than Twenty Dollars nor more than Thirty Dollars, together with the costs of his or their arrest and trial; and upon failure to pay said fine and costs he or they shall be committed by said Justice of the Peace to the custody of the Sheriff of Kent or Sussex County until such fine and costs be paid. One-half of said fine shall be by the said Justice paid to the informer, the other half to be by him paid to the Collector of Oyster Revenue for the use of the State.

Violator of this act subject to fine.

Imprisonment.

One-half of fine to go to informer.

Section 4. All Acts and parts of Acts inconsistent with this act are hereby repealed.

Approved, February 28, A. D. 1905.

OF FISH, OYSTERS AND GAME.

CHAPTER 134.

OF FISH, OYSTERS AND GAME.

AN ACT for the protection of oysters in Broadkill River or Sound.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Closed season. Section 1. That from and after the approval of this Act it shall not be lawful for any person or persons to take or catch any oysters for any purpose whatsoever from Broadkill River or Sound at any time between the first day of April and the first day of October in any year.

Unlawful to sell to be transported out of mouth of river. Section 2. It shall be unlawful for any person or persons to sell or dispose of any oysters to be transported or carried away through the mouth of the Broadkill River or Sound into the Delaware Bay by boat, vessel, or otherwise, whether the said oysters shall be intended for planting or for consumption as food or for any other purpose.

Violator of Act to be arrested. Section 3. Any person or persons violating any of the provisions of this Act shall, upon the oath or affirmation of any person, be arrested and forthwith brought before any Justice of the Peace in Sussex County, and upon proof and conviction thereof the said person or persons shall be fined in a sum not less than Twenty Dollars nor more than Thirty Dollars, together with the costs of his or their arrest and trial; and upon failure to pay said fine and costs, he or they shall be committed by said Justice of the Peace to the custody of the Sheriff of Sussex County until such fine and costs be paid. One-half of the fine shall be by the said Justice paid to the informer, the other half to be by him paid to the collector of Oyster Revenue for the use of the State.

Fine.

Imprisonment.

One-half fine to go to informer.

Section 4. All Acts and parts of Acts inconsistent with this Act are hereby repealed.

Approved, March 16, A. D. 1905.

OF FISH, OYSTERS AND GAME.

CHAPTER 135.

OF FISH, OYSTERS AND GAME.

AN ACT to amend Chapter 152, Volume 22, Laws of Delaware, entitled "An Act to amend Chapter 507, Volume 17, Laws of Delaware, entitled 'An Act for the protection and preservation of Game and Game Fish' changing the time in which Reed Birds may be killed".

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Chapter 152 Volume 22, Laws of Delaware be and the same is hereby amended by striking out the words "twenty-fifth day of August" in the fifth line of Section 1 and inserting in lieu thereof the words "first day of September".

Chapter 152,
Volume 22
amended
changing time
in which Reed
Birds may be
killed.

Approved, February 28, A. D. 1905.

OF FISH, OYSTERS AND GAME.

CHAPTER 136.

OF FISH, OYSTERS AND GAME.

AN ACT to amend an Act entitled "An Act for the Protection of Birds and their nests and Eggs," approved March 9th, 1901, being Chapter 216, Volume 22, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Chapter 216.
Volume 22,
amended.

Section 1. That an Act entitled "An Act for the protection of Birds and Their Nests and Eggs," approved March 9th, 1901, be amended by striking out Section 3 and inserting in lieu thereof the following:

Violation of
act subject
person to fine.

Justice of Peace
jurisdiction of
all offenses
under act.

Fine.

Imprisonment.

Fines, to whom
payable.

"Section 3. Any person who shall violate any of the provisions of this Act shall be punished by a fine of Five Dollars for each offense, and by an additional fine of Five Dollars for each bird, living or dead, or part of a bird, or nest, or egg, in his possession in violation of the provisions of this Act or any of them. That the Justices of the Peace in this State shall have plenary jurisdiction of all offences against the provisions of this Act, and upon the affidavit made that a person has violated any of the provisions of this Act, to forthwith issue his warrant, directed to the Sheriff or to any constable, commanding him to arrest the person so charged and to bring him or her forthwith before such Justice for trial, and if upon such trial the said Justice shall find that the person arrested has violated any of the provisions of any Section of this Act, and such person shall fail to pay forthwith the fine imposed by said Justice, together with costs of prosecution, such person shall be committed by said Justice for thirty days, unless said fine and costs be sooner paid. Any fines collected by any Justice of the Peace or constable of this State, under the provisions of this Act, shall be forthwith paid by him to the Treasurer of the Delaware Audubon Society".

Approved, February 28, A. D. 1905.

OF FISH, OYSTERS AND GAME.

CHAPTER 137.

OF FISH, OYSTERS AND GAME.

AN ACT for the Protection and Preservation of Squirrels.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That when and as soon as this Act becomes a law it shall be unlawful for any person in either Kent or New Castle County to hunt, kill, take or destroy, sell or expose for sale or have in his or her possession after the same has been killed, any squirrel, other than red squirrel, except between the fifteenth day of November and the first day of the following January in any year. And if any person shall hunt, kill take or destroy, sell or expose for sale or have in his or her possession after the same has been killed, any squirrel, other than red squirrel, contrary to the provisions of this Section, such person shall be guilty of a common nuisance, and upon conviction thereof, before any Justice of the Peace of this State shall be fined Five Dollars (\$5.00) for each and every such squirrel so taken, killed, or sold, or exposed for sale, or had in his or her possession in violation of the provisions of this Act.

Unlawful to kill squirrels, other than red squirrels, except between certain dates.

Violation of this act punishable by fine.

Section 2. That it shall be unlawful for any person in either Kent or New Castle County to destroy the nest or den of any squirrel at any time, and any one violating the provisions of this Section shall be subject and liable to the same penalties as stated in Section 1 of this Act.

Unlawful to destroy nest or den of any squirrel.

Approved, April 3, A. D. 1905.

OF ROADS AND BRIDGES.

CHAPTER 138.

OF STRAYS.

AN ACT to repeal Chapter 658, Volume 19, Laws of Delaware, entitled "An Act exempting certain School Districts from the General Stock Law of this State."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Chapter 658,
Volume 19,
repealed.

Section 1. That Chapter 658, Volume 19, Laws of Delaware, entitled "An Act exempting certain School Districts from the General Stock Law of this State," be and the same is hereby repealed and made null and void.

Approved, April 13, A. D. 1905.

CHAPTER 139.

OF ROADS AND BRIDGES.

AN ACT to provide for the repeal of Chapter 380, Volume 22, Laws of Delaware, being an Act entitled, "An Act to provide for the permanent improvement of the public highways in the State of Delaware", and providing for the permanent improvement of the public highways in New Castle County, Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Chapter 380
Volume 22,
repealed.

Section 1. That Chapter 380, Volume 22, Laws of Delaware, being an Act entitled, "An Act to Provide for the Permanent Improvement of the Public Highways in the State of Delaware," be and the same is hereby repealed; provided nevertheless that nothing herein contained shall interfere with or disturb in any way the validity of any contract or contracts heretofore entered into by virtue of and under the

Proviso, saving validity of contracts made pursuant thereto.

OF ROADS AND BRIDGES.

provisions of the aforesaid Act, and any public road or highway or section thereof, which is now being improved, or has been improved by virtue of and under the provisions of the said Act, and the supervision and control thereof, has been placed under the authority of the Levy Court of any County in this State, said control and supervision of said highway or highways by the said Levy Court, shall not be affected by the terms of this Act.

Section 2. Immediately upon the passage of this Act, the Governor shall appoint a competent person, who shall be a resident of New Castle County, to serve as, and be known as the New Castle County State Highway Commissioner. The full term of office of said Commissioner shall be for four years, and until a successor is appointed and qualified, and the term of the first Commissioner appointed under this Act shall be counted as if beginning on January first A. D. 1905, and all vacancies occurring shall be filled by the Governor. All appointments made by virtue of and under the provisions of this Act shall be referred to the Senate of the State of Delaware for confirmation as required by the Constitution.

Governor to
appoint High-
way Commis-
sioner.

Term.

To be con-
firmed by the
Senate.

The said Highway Commissioners shall receive in full compensation for his services, an annual salary of one thousand dollars (\$1,000), payable in twelve equal monthly instalments, by the State Treasurer out of any moneys appropriated by the General Assembly for the salaries of state officers.

Compensation.

He shall before entering upon the duties of his office, and within ten days after his appointment, make oath or affirmation before a Judge of the Superior Court of this State, and execute a bond with sureties approved by the said Judge in the sum of two thousand dollars (\$2,000), for the faithful performance of all duties connected with his office, as the same are or may hereafter be lawfully defined. He shall be provided by the Levy Court of New Castle County, with a suitable office in the City of Wilmington, in which the records of the said office shall be kept, and he may employ all necessary clerical assistants, and counsel services and other assistants as shall be approved by the Levy Court of New Castle County, and all such expenses so incurred and approved shall be paid by the said Levy Court.

Official oath.

Bond.

To be provided
with office.

May employ
assistants.

OF ROADS AND BRIDGES.

Duties and powers.

Section 3. The said Highway Commissioner shall investigate and consider the best and most practical methods of construction, and maintenance of highways, and the estimated cost of the various methods and systems. He shall prepare suitable maps, and plans on which shall be clearly drawn the various routes he recommends. He may employ experts from time to time, and all necessary clerical and other assistants, and may incur such reasonable expense in this respect as may be authorized or approved by the said Levy Court.

Separate specifications for the improvement of the highways or sections thereof, under the provisions of this Act, shall be made for macadam, telford, gravel, oyster-shells or any other good firm material, which will at all seasons of the year be firm, smooth and convenient for travel.

Width of road and improvement.

The permanent road-ways of all highways or sections thereof, improved under the provisions of this Act, shall not be less than nine (9) nor more than Sixteen (16) feet between the shoulders, and the minimum width of the right of way shall be thirty-three (33) feet, except in the case of roads already existing.

Commissioner to keep records and prepare biennial report.

Section 4. The said Highway Commissioner shall keep a record of all proceedings, orders, petitions, plans, specifications, and full and complete accounts of all money expended by the State or County, or property owner for the improvement of any highway or section thereof under the provisions of this Act, and he shall prepare a biennial report of all his doings, together with any suggestions or recommendations he may deem desirable, and shall submit the same to the General Assembly, during the first ten days of each regular biennial session thereof.

Certify to State Treasurer itemized account of expenditures.

He shall certify to the State Treasurer, and to the Levy Court of New Castle County an itemized account of all money expended under the provisions of this Act, and shall draw his warrant upon the State Treasurer for a sum equal to one-half of the cost of construction of said highway or section thereof, (this being the portion of said cost to be paid by the State, under the provisions of this Act, as hereinafter stated), and he shall certify to the Levy Court of New

OF ROADS AND BRIDGES.

Castle County, the County's share of said cost, as hereinafter provided, and no money shall be paid out by the said State Treasurer or by the Levy Court of New Castle County under the provision of this Act, until such certificates of expense have been filed, and said warrants so drawn by the said Commissioner.

State Treasurer
to pay fund,
when.

Section 5. Whenever the Levy Court of New Castle County, by resolution has declared its intention to cause any particular highway or section thereof, within said County to be improved, under the provisions of this Act, a certified copy of such resolution shall be forthwith submitted to the said Highway Commissioner, and it shall thereupon become the duty of the said Commissioner to make, and he is hereby directed to have such surveys and plans of said highway made, as provided in Section three of this Act, and submit the same to the said Levy Court. If the said Commissioner shall disapprove said resolution, after due and careful consideration, he shall certify his reasons therefor fully in presenting the same to the said Levy Court, and in no case shall State aid be applied to the improvement of any highway or section thereof, under the provisions of this Act, unless approved by the said Commissioner, and also approved by the said Levy Court.

Resolution of
Levy Court to
improve to be
certified to
Commissioner.

Survey and
plans to be
made and sub-
mitted to Levy
Court.

State aid to be
given only
when approved
by Commis-
sioner.

Section 6. After the reception of any such resolution by the said Highway Commissioner, and the approval of the same, together with said plans and specifications, both by the said Commissioner and also by the said Levy Court, as provided for in Section Five of this Act, the said Commissioner shall advertise for bids for the construction and improvement of the said highway, according to the said plans and specifications for three successive weeks in two newspapers of the County, and in such other papers as he shall deem of advantage for securing fair competition, and such advertisement shall set forth the amount of the bond, and certified check required of each bidder, for the good faith of his proposal; the place where the plans and specifications may be examined, and the time and place for the reception of the bids.

Advertise for
bids for im-
provement.

Bond or certi-
fied check to
accompany
bids.

Every bid thus received shall be accompanied with a bond signed by the bidder, with one or more sureties satisfactory to the said Commissioner and also to the said Levy Court,

OF ROADS AND BRIDGES.

Bids to be publicly read. as aforesaid, or a certified check upon some reliable bank or banking institution, in such sum as the said Commissioner and the said Levy Court may determine, and conditioned that if the contract shall be awarded to the said bidder he will, when required by the said Commissioner, execute a proper agreement with surety, as hereafter provided, for the faithful performance of said contract according to the said plans and specifications when the first bond or certified check may be returned to the bidder. All bids so submitted shall be publicly read at a meeting of the Levy Court at the time and place for opening the same as stated in said advertisement and referred to the said Commissioner and also to the Levy Court for their final approval.

Rejection of bids.

Successful bidder to give bond.

The said Levy Court or the said Commissioner may reject any or all bids if in their opinion good cause exists therefor, but otherwise the said Levy Court shall award the contract to the lowest responsible bidder. The successful bidder shall give satisfactory evidence of his ability to perform the contract and shall also furnish a bond for one-third of the amount of the cost of the construction of the work, conditioned that the work shall be performed in accordance with the plans and specifications and terms of the contract, as hereinbefore provided, said bond also to be an indemnity against any direct or indirect damages that may be suffered or claimed during the construction of said highway or section thereof and until the same shall be duly accepted as herein provided.

State and County not liable for damages.

In no case shall the State of Delaware or New Castle County be liable for any damages claimed or suffered in such case.

Partial payments on account of contract.

5 per cent. of contract price to be retained for one year.

Section 7. Partial payments may be made on account of said contract provided for under this Act, and paid in the manner herein prescribed when certified to by the said Commissioner not exceeding eighty per centum of the full value of the work done prior to said payment; and in every contract made as aforesaid it shall be specified that at least five per centum of the contract price shall not be paid to the contractor within the period of one year after the work specified to be done by such contract, shall have been fully performed and accepted by the said Levy Court, and the said

OF ROADS AND BRIDGES.

Commissioner; and all said contracts entered into under the provisions of this Act, shall provide for the full maintenance and keeping in repair of all highways or sections thereof, as built under said contract or contracts, for the period of one year from the date of completion and acceptance at the entire cost of the contractor.

Section 8. All contracts made under the provisions of this Act, shall, on behalf of the Levy Court be executed by the President thereof; each contract shall be executed in triplicate, one copy to be filed with the State Treasurer, one with the said Commissioner, and one with the Comptroller of New Castle County.

Contracts, how
to be executed.

To be filed,
where.

Section 9. After the contract has been filed, as hereinbefore provided, the said Highway Commissioner shall take entire charge of the work done under said contract, and his decisions upon all matters pertaining to said contract shall be final.

Decision of
Commissioner
to be final.

He shall as soon as practicable appoint a supervisor of the construction of the work under such contract, who shall receive for his services under this Act, three dollars (\$3.00) per day, to be paid by the Levy Court.

Commissioner
to appoint
Supervisor.

The said Commissioner may, however, at any time summarily discharge any supervisor who in his judgment is incompetent or who neglects his duty, and in such case shall appoint a new supervisor to take the place of the one so discharged; the supervisor shall supervise all work done under said contract; shall give his whole time thereto, shall require the provisions of the contract to be strictly adhered to by the contractor, and in any case where the contractor provides for partial payments during the progress of the work he shall also, as each payment becomes due, and before payment shall be made, present to the Levy Court and to the said Commissioner a certificate, and also a certificate of the surveyor or engineer, if any there be, stating as near as may be the total amount of work done, and that such work has been done in all respects as required by the contract; the Levy Court shall have power to appropriate such sums of money for the purpose of carrying on such work as may from time to time become necessary; and when the work shall

Commissioner
may remove
Supervisor.

Supervisor,
the duties of.

Payments on
contracts.

OF ROADS AND BRIDGES.

be fully completed, and the terms and conditions of the contract shall be fully complied with, and such facts shall have been certified to the said Levy Court and the said Commissioner to their satisfaction, by the supervisor and the surveyor and engineer, if any there be, payment in full shall be made, less the amount required to be withheld for the period of at least one year, as in Section Seven of this Act is specified; and when the work under any contract shall have been fully completed, it shall be the duty of the supervisor to prepare a detailed and itemized statement in duplicate of the cost of the improvements, one copy whereof shall be filed with said Levy Court, and one with the said Commissioner.

Proportion of
costs paid by
State.

Limit of
amount from
State.

Section 10. One-half of the cost of highways constructed, under this Act, shall be paid for out of the State Treasury, upon warrants drawn by the said Commissioner, as provided for in Section Four of this Act; provided that the amount so paid shall not in any one year exceed the sum appropriated by the General Assembly for such purpose. But after the sum appropriated by the General Assembly for such purpose, has been exhausted, then the said Levy Court and the said Commissioner may cause to be improved under the provisions of this Act, any additional highway or highways or section thereof, the total cost of the construction or improvement of said additional highway or highways or section thereof to be paid by the said Levy Court.

Levy Court to
ascertain cost
of contracts
and include
same in tax
budget for suc-
ceeding year.

Levy Court
may borrow
money on tem-
porary loans.

Section 11. On or before June thirtieth in each and every year, it shall be the duty of the Levy Court of New Castle County to ascertain one-half of the estimated cost of all work for which contracts shall have been awarded under this Act during such year, and the said Levy Court shall include the sums so ascertained in the annual tax budget for the succeeding year as a part of the fund necessary to be raised by general taxation for the succeeding year, as aforesaid. If a deficiency shall exist in consequence of the cost exceeding the estimate, or in consequence of the receipt of less than one-half of the cost from the State Treasury, the Levy Court shall have authority to borrow on temporary loans to the amount of such deficiency until the next annual taxes shall be assessed, collected and paid over to the county; and

OF ROADS AND BRIDGES.

if there be a surplus in consequence of the cost being less than the estimate, such surplus shall be retained and used in the construction of other highways under this Act, or in repairs to highways constructed under this Act.

Section 12. Any road constructed under the provisions of this Act, except within the limits of any city, shall forever thereafter be a County Road, and the duty of keeping the same in repair, except within the limits of any city, shall devolve upon the Levy Court of New Castle County, and the County Supervisor hereinafter mentioned, and all other powers and duties respecting such roads, except within the limits of any city, shall be imposed upon and vested in the said Levy Court to the exclusion of all hundred, borough or other municipal officers, excepting city officers; after the first highway shall have been constructed under this Act in New Castle County, it may be the duty of the Levy Court to appoint a county supervisor of roads, who shall hold his office for four years and until his successor is appointed; he shall give bond to the Levy Court in the sum of one thousand dollars (\$1,000) conditioned for the faithful performance of the duties of his office, with such sureties as the Levy Court may approve, and shall receive such salary or allowance as the Levy Court may fix; the Levy Court shall provide all moneys necessary to keep in a proper state of repair the roads constructed under this Act, except within the limits of any city, and may, if there be no moneys on hand that can be lawfully used for such repairs, borrow therefor on temporary loans until the next annual taxes shall have been assessed, collected and paid over to the county; it shall be the duty of the county supervisor to report to the Levy Court all repairs he may think necessary or proper to be made to such county roads, and under the direction and control of the said Levy Court to spend moneys raised for such repairs in such manner and upon such portions of the road as will tend to keep them in the best possible state of repair; no part of said money shall be paid into the hands of the said county supervisor, but all expenses of repairs shall be paid by the County Treasurer on the order of the Levy Court, granted only on the presentation of bills verified and approved by the County Comptroller; it shall be the duty of the authorities of any city within

Roads improved to be County roads.

Levy Court to appoint County Supervisor.

Bond.

Salary.

Duties of County Supervisor.

OF ROADS AND BRIDGES.

which any portion of any highway may be constructed under the provisions of this Act to keep the portion thereof within such city in repair forever after such construction, and such city shall have the same power, authority and jurisdiction over such portion of such road, and shall have imposed upon it the same duties as were imposed upon and vested in it with respect to such portion of such road before its improvement under the provisions of this Act.

Manner in which property owners may take action.

Section 13. That if any property owner or owners along any highway in New Castle County, Delaware, which has not been improved or is not undergoing improvement under the previous sections of this Act, shall desire any section of any road in said County to be improved, and are or is willing to contribute the whole expense of such improvement, they, he or she shall provide at their, his or her own expense a plan of such section of highway so to be improved, in which shall be given the levels and distances, and all specifications, which shall state the materials which shall be used and the manner of using them; and a copy of such plan, specification and of any bids to do such work shall then be submitted by such owner or owners to the said Highway Commissioner and by said Commissioner shall be submitted to the Levy Court of New Castle County, as in case of other plans and specifications as hereinbefore provided for, and if said Commissioner and Levy Court shall approve them, it shall then be lawful for such owner or owners to accept any bid or bids so approved from among the bidders, and proceed to build such section of road according to such plans and specifications, and such owner or owners shall have control of the expenditure of the moneys used to make such improvement, subject to the approval and supervision of the supervisor of said county; and upon the completion of the improvement to the satisfaction of the said supervisor and the said Commissioner and Levy Court, and upon the submission to the said Levy Court of receipts showing full payments for materials furnished and work done under the plans and specifications, such section of highway so improved shall thereafter be a County highway.

Section 14. All Acts or parts of Acts inconsistent with the provisions of this Act be and the same are hereby repealed.

Section 15. This Act shall take effect immediately.

Approved, March 30, A. D. 1905.

OF ROADS AND BRIDGES.

CHAPTER 140.

OF ROADS AND BRIDGES.

AN ACT to amend Chapter 674, Volume 19, Laws of Delaware, being an Act entitled "An Act to supplement and amend Volume 15, Chapter 407 and Volume 17, Chapter 534, by increasing the amount of road tax which the Road Commissioners shall levy in New Castle Hundred, without the limits of the City of New Castle.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That Chapter 674, Volume 19, Laws of Delaware be amended by striking out of Section 1 of said Act, in the last line thereof, the word "twenty" and inserting in lieu thereof the word "twenty-five."

Chapter 674,
Volume 19,
amended, in-
creasing
amount of tax
to be raised.

Section 2. This act shall be taken to be a public act.

Approved, April 3, A. D. 1905.

CHAPTER 141.

OF ROADS AND BRIDGES.

AN ACT authorizing the Road Commissioners of Pencader Hundred in New Castle County to fund the floating debt and secure the payment thereof.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Whereas, The Road Commissioners of Pencader Hundred in New Castle County have a floating debt of long standing amounting to three thousand dollars for the payment of which there is no adequate method provided:

Preamble

And Whereas, It is proper that provision should be made for the payment thereof; therefore

Preamble

Be it enacted by the authority aforesaid, as follows:

OF ROADS AND BRIDGES.

Authorized to
borrow money
to fund
indebtedness.

Section 1. That the said Road Commissioners be and they are hereby authorized to borrow in the names of the Road Commissioners of Pencader Hundred, the sum of Three Thousand dollars for the purpose of paying said floating debt.

Bonds to secure
loan.

Denomination.

Rate of interest

Section 2. That the said Road Commisisoners be and they are hereby authorized to issue ten bonds to secure the repayment of said loan as follows: Each of said bonds shall be of the denomination of three hundred dollars and be numbered from one to ten, inclusive, and shall bear interest from their date at the best rate which can be obtained by the said Commissioners not exceeding four per cent. per annum, payable semi-annually. Such bonds shall be due and payable as follows:

When payable.

The first thereof on the first day of January, A. D. 1906, and one of said bonds to become due and payable on the first day of January each and every year thereafter.

Bonds, how to
be paid.

Rate of tax.

Section 3. That the principal and interest of said bonds shall be paid out of the road taxes of said Hundred, but in no case whatsoever shall the rate of road tax or taxes be more than twenty-eight cents on the one hundred dollars.

Special Com-
missioners to
prepare and
sell bonds and
pay floating
debt.

Section 4. That for the purpose of negotiating such bonds Henry C. Ellison and T. Roseby McMullin are hereby appointed Special Commissioners to procure and have prepared the said bonds, to see that the same are properly executed by the said Road Commissioners, to make sale thereof, and to receive and apply the money obtained therefor to the payment of the said floating debt. Nothing contained in the Act shall authorize the said Special Commissioners to pay to the said Road Commissioners, directly or indirectly, any of the amount received from the sale of the said bonds until said floating debt is fully paid with interest due thereon.

Balance after
payment of
debt to be paid
to County
Treasurer.
For what pur-
pose used.

Bond of Special
Commissioners

Any balance left after such payments shall be paid to the County Treasurer, who shall hold the same and apply it to the payment of the first bond falling due.

Section 5. The said Special Commissioners before performing any of the duties by this Act imposed shall give bond unto the State of Delaware in the penal sum of six

OF ROADS AND BRIDGES.

thousand dollars conditioned for the faithful performance of the duties by this Act imposed upon them, which said bond shall be approved by one of the Judges of the Superior Court of the State of Delaware and thereafter be and remain filed with the County Treasurer and shall be proceeded on at the instance of the Levy Court, upon the breach of the condition thereof.

Approval of
bond.
Filed where.
Proceeded on,
how.

Section 6. That the said bonds shall be paid, principal and interest, when and as they severally fall due and become payable by the County Treasurer, and the amounts so paid by him shall be deducted by him from the amount of road taxes of the said Hundred received by him.

Bonds, by
whom paid.

Section 7. That the sum of Fifty Dollars shall be paid to Henry C. Ellison and a like sum to T. Roseby McMullin by the Road Commissioners of said Hundred upon the completion of the duties required of them by this Act.

Compensation.

Section 8. Hereafter the Road Commissioners of Pencader Hundred are hereby expressly prohibited from having any work done or purchasing materials unless they have the cash in hand to pay for said work when completed or for such materials upon delivery thereof. Nothing in this Act shall be construed so as to prevent the said Commissioners from borrowing money temporarily in anticipation of each years taxes, but in no case in excess of said taxes.

Road Commis-
sioners pro-
hibited con-
tracting
beyond funds
in hand.

Approved, April 13, 1905.

OF ROADS AND BRIDGES.

CHAPTER 142.

OF ROADS AND BRIDGES.

AN ACT authorizing the Road Commissioners of Red Lion Hundred, in New Castle County, to borrow money for the purpose of keeping roads open.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Authorized to
borrow money
for road
purposes.

Section 1. That when the roads of Red Lion Hundred in New Castle County, become blocked with snow, the road Commissioners of said Hundred shall be allowed to borrow, at the legal rate of interest, sufficient sums of money to enable them to keep the roads open, and provide for repayment of the same by levying such additional taxes as shall be sufficient for that purpose.

Section 2. This Act shall be deemed a Public Act.

Approved, April 6, A. D. 1905.

OF ROADS AND BRIDGES.

CHAPTER 143.

OF ROADS AND BRIDGES.

AN ACT to provide for the permanent improvement of the Public Highways in Kent County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the Levy Court of Kent County, and such other body as may hereafter be the successor of the said Levy Court, be and the same is hereby authorized to annually impose a special tax upon the real estate and personal property within any representative district or districts of Kent County that shall through its representative in said body, petition to avail itself of the provisions of this Act, any sum not exceeding One Thousand Dollars, in addition to the rate regularly fixed for the said representative district or districts for general taxation purposes. And the special tax shall be collected by the collector of the said representative district or districts as other county taxes are collected, and shall be paid over to the county treasurer who shall open and keep a separate account thereof, and annually, upon the certificate of the said Levy Court that the said special tax so assessed has been collected under the provisions of this Act in any representative district or districts, the State Treasurer shall pay over to the said county treasurer for the use of said district or districts respectively, for the purpose of this Act, a sum equal to the amount which any representative district or districts shall have collected as aforesaid. Said county treasurer shall disburse said special taxes together with the State appropriation as aforesaid, upon orders to be drawn upon him by the Levy Court Commissioner of any representative district or districts availing itself of the provisions of this Act. Said Commissioners shall cause to be printed special forms of orders to be used for the purpose and they shall be designated "Special Road Orders for the Representative District No. of Kent County."

Levy Court to levy special tax upon petition in any district to secure benefit of this Act.

Amount to be raised.

How collected.

County Treasurer to open account for such districts.

Certificate of Levy Court to State Treasurer to entitle district to State aid.

Funds, how disbursed.

Form of drafts.

OF ROADS AND BRIDGES.

Special tax and State aid, for what purpose to be used.

Section 2. That the money derived from said increase of taxation in any representative district or districts together with a like sum appropriated by the State in pursuance of this Act, to any district or districts, shall be devoted exclusively to the purpose of permanently improving the county roads of such district or districts. Such improvement may consist in straightening, grading, plowing, scraping, draining, rolling, and the application of stone, shells, gravel, clay, sand, or other material suited to the permanent improvement of roads.

Funds, where to be expended.

The expenditure of any money under this Act shall begin at the corporate limits of any principal town or towns within said district aforesaid and also upon the roads leading to and from the principal markets or railroad stations within said district and adjoining districts.

General Road Fund not to be affected by this Act.

Section 3. That the allotment of money for roads in the several representative districts in Kent County from the general fund of said county, shall not be interfered with nor decreased by anything herein contained, but the said roads in any district or districts receiving the benefit of this Act, shall receive such allotment in addition to the amount raised by the special tax herein authorized and the like sum appropriated by the State. The Levy Court Commissioner of any representative district who shall conform to the provisions of this Act, shall determine upon improvements to be made and employ competent persons, by contract or otherwise, as he may deem best to effectuate the purposes of this Act. He shall annually on the third Tuesday of November, post in two of the most suitable places in his district, a list of his disbursements under the provisions of this Act.

Levy Court Commissioner of district to control expenditure of funds.

Annually to post account.

Approved, March 30, A. D. 1905.

OF ROADS AND BRIDGES

CHAPTER 144.

OF ROADS AND BRIDGES.

AN ACT to provide for the permanent improvement of the Public Highways in Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That the Levy Court of Sussex County, and such other body as may hereafter be the successor of the said Levy Court, be and the same is hereby authorized to annually impose a special tax upon the real estate and personal property within any representative district or districts of Sussex County that shall through its representative in said body petition to avail itself of the provisions of this Act, any sum not exceeding \$1,000 in addition to the rate regularly fixed for the said representative district or districts for general taxation purposes. And the special tax shall be collected by the collector of the said representative district or districts as other county taxes are collected and shall be paid over to the County Treasurer who shall open and keep a separate account thereof, and annually upon the certificate of the said Levy Court that the said special tax so assessed has been collected under the provisions of this Act in any representative district or districts, the State Treasurer shall pay over to the said County Treasurer for the use of said district or districts respectively, for the purpose of this Act, a sum equal to the amount which any representative district or districts shall have collected as aforesaid. Said County Treasurer shall disburse said special tax together with the State appropriation as aforesaid, upon orders to be drawn upon him by the Levy Court Commissioner of any representative district or districts availing itself of the provisions of this Act. Said Commissioner shall cause to be printed special forms of orders to be used for the purpose and they shall be designated "Special Road order for the Representative District No. of Sussex County."

Levy Court to impose special tax, upon petition, in any district to secure benefit of Act.

Amount to be raised.

How collected.

County Treasurer to open account for such districts.

Certificate of Levy Court to State Treasurer to entitle district to State aid.

Funds, how disbursed.

Form of drafts.

OF ROADS AND BRIDGES.

Special tax and State aid for what purpose to be used.

Section 2. That the money derived from the said increase of taxation in any representative district or districts together with a like sum appropriated by the State in pursuance of this Act, to any district or districts shall be devoted exclusively to the purpose of permanently improving the County Roads of such district or districts. Such improvement may consist in straightening, grading, plowing, scraping, draining, rolling and in the application of stone, shells, gravel, clay, sand or other material suited to the permanent improvement of roads. The expenditure of any money under this Act shall begin at the corporate limits of any principal town or towns within said district aforesaid and also upon the roads leading to and from the principal markets or railroad Stations within said district and adjoining districts.

Where to be expended.

General road fund not to be affected by this act.

Section 3. That the allotment of money for roads in the several representative districts of Sussex County from the general fund of said county shall not be interfered with nor decreased by anything herein contained, but the said roads in any district or districts receiving the benefits of this Act shall receive such allotment in addition to the amount raised by the special tax herein authorized and the like sum appropriated by the State. The Levy Court Commissioner of any representative district that shall conform to the provisions of this Act, shall determine upon improvements to be made and employ competent persons, by contract or otherwise, as he may deem best to effectuate the purposes of this Act. He shall annually on the third Tuesday in November, post in two of the most suitable places in his district, a list of his disbursement under the provisions of this Act.

Levy Court Commissioner of district to control expenditure of funds.

Annually to post accounts.

Special shell tax to be treated as special tax referred to in this Act.

Section 4. That any money or funds now raised by taxation for road purposes in any representative district in Sussex County pursuant to any special Act of Assembly shall be regarded and treated as a part or the whole of the sum required to be raised by taxation in any such representative District to entitle said District to receive State aid, the certificate of the Levy Court to the State Treasurer that the sum of one Thousand Dollars, or any part thereof, of said funds so raised by Special Act of Assembly shall entitle such representative district to a like sum if it does not exceed the sum of one Thousand Dollars.

Approved, March 30, A. D. 1905.

OF ROADS AND BRIDGES.

CHAPTER 145.

OF ROADS AND BRIDGES.

AN ACT providing for the improvement of Public Roads in Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That whenever a* twenty-five of the freeholders in any Representative District of Sussex County owning lands adjoining a Section of the public road of said County under the supervision of a Road Overseer appointed by the Levy Court of said County shall petition the Levy Court of Sussex County, setting forth the condition of such road and the need for improvement thereof and the number of miles thereof, the said Levy Court shall appropriate the sum of One Thousand Dollars for the improvement of such road which said sum shall be paid to and expended under the supervision and control of the Levy Court Commissioner of said District. When said appropriation is so made, the same shall be continued from year to year for a period of five years unless a majority of said freeholders shall before that time petition the Levy Court of Sussex County for its discontinuance.

Petition of 25 freeholders on road to contain what.

Appropriation of funds by Levy Court.

How expended.

How long said appropriation to be continued.

Section 2. That before receiving said appropriation, the said Levy Court Commissioner, to which such appropriation is made shall give bond to the State of Delaware in the sum of Two Thousand Dollars with one or more sureties to be approved by the Levy Court of Sussex County with condition that such Levy Court Commissioner will faithfully perform his duties and carefully and diligently expend the appropriation so coming into his hands and will faithfully account for all such moneys and will pay over to his successor any moneys remaining in his hands at the expiration of his term of office.

Bond of Levy Court Commissioner.

Condition of Bond.

Section 3. That the said Levy Court Commissioner shall drain the said road and shall purchase such material and

Drain road to be improved.

*So Enrolled.

OF ROADS AND BRIDGES.

Materials to be used. Materials and methods to be approved by Levy Court. adopt such methods as are necessary to permanently improve the road intrusted to his care which purchase of material and methods of improving such roads shall be approved by the Levy Court of said County.

Levy Court to audit and to approve accounts. Section 4. That accounts and vouchers of the expenditure of moneys so appropriated shall be submitted to the said Levy Court of Sussex County for their audit and approval.

Limit of amount of appropriation. Section 5. That the said Levy Court of Sussex County shall not appropriate for the purposes hereinbefore provided for in any one year more than One Thousand Dollars for each Representative District of said County, giving preference in such appropriation to the petitions from freeholders of a Representative District according to the dates of their filing the same with the Clerk of the Peace of such County.

Approved, April 21, A. D. 1905.

OF ROADS AND BRIDGES.

CHAPTER 146.

OF ROADS AND BRIDGES.

AN ACT to amend Chapter 491, Volume 20, Laws of Delaware, being an Act entitled "An Act authorizing a special tax to provide a special fund for the purchase of oyster shells for the County Roads of Seaford Hundred" by increasing the rate of taxation.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Chapter 491, Volume 20, Laws of Delaware, be and the same is hereby amended by striking out of line five Section 1 of said Chapter 491, Volume 20, Laws of Delaware, the words and figures "five cents (5c)" and inserting in lieu thereof the words "ten cents".

Chapter 491,
Volume 20,
amended
increasing tax
rate.

Approved, March 21, A. D. 1905.

OF ROADS AND BRIDGES.

CHAPTER 147.

OF ROADS AND BRIDGES.

AN ACT to amend Chapter 157, Volume 22, Laws of Delaware, being an Act entitled "An Act authorizing a special tax to provide a special fund for the purchase of oyster shells for the County Roads of the First Election District of the Third Representative District of Sussex County" as amended by Chapter 385, Volume 22, Laws of Delaware, being an Act entitled "An Act to amend Chapter 157, Volume 22, Laws of Delaware, entitled "An Act authorizing a special tax to provide a special fund for the purchase of oysters shells for the County Roads of the First Election District of the Third Representative District of Sussex County, by decreasing the rate of Taxation," by increasing the rate of Taxation.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Chapter 157,
Volume 22 and
Chapter 385,
Volume 22
amended,
increasing rate
of taxation.

Section 1. That Chapter 157, Volume 22, Laws of Delaware, as amended by Chapter 385, Volume 22, Laws of Delaware, be and the same is hereby amended by striking out in the sixth line of said Section 1 as amended, the following words "five cents" and inserting in lieu thereof the words "Ten cents."

Approved, March 29, A. D. 1905.

OF ROADS AND BRIDGES.

CHAPTER 148.

OF ROADS AND BRIDGES.

AN ACT to authorize the levying of an additional special tax for shelling the County Roads of Little Creek Hundred, Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That the Levy Court of Sussex County, or such body as may hereafter be the successors of the said Levy Court, be and the same is hereby authorized to impose, in addition to the special tax already authorized by Chapter 159, Volume 22, Laws of Delaware, a special tax upon all the taxables assessed in Little Creek Hundred, Sussex County, of ten cents on the One Hundred Dollars on said assessment of said hundred for general taxation purposes. This special tax shall be levied for the year A. D. 1905, within thirty days after this Act shall become a law, and annually thereafter, at the regular time for levying County taxes. The said special tax shall be collected by the Collector of Little Creek Hundred, or of the district in which Little Creek Hundred may be included, as other County taxes are collected, and shall be paid over to the County Treasurer of Sussex County, who shall open and keep a separate account thereof. The said County Treasurer shall disburse said special tax upon orders drawn upon him by the Commissioner of said Little Creek Hundred or by the Commissioner for the district in which Little Creek Hundred may be included. Said Commissioner shall cause to be printed special forms of orders to be used for this purpose and they shall be designated "Shell Road Orders Act of 1905 for Little Creek Hundred" that they may be distinguished from the orders authorized under Chapter 159, Volume 22, Laws of Delaware.

Chapter 159, Volume 22, amended, increasing tax rate.

First levy, when to be made.

Tax, how collected.

Paid to County Treasurer.

County Treasurer, how to disburse funds.

Shell road orders.

Section 2. That the money derived from the special tax shall be devoted exclusively to the purchase of oyster shells and the payment of freight and distribution thereof upon the County roads of Little Creek Hundred aforesaid: Provided,

Funds to be expended, for shells, freight, and distribution thereof.

OF ROADS AND BRIDGES.

Rate fixed for
hauling shells.

that the compensation for hauling said oyster shells shall not exceed the following rates:—One half cent per bushel to be paid for hauling those shells distributed within a distance of one mile from the town of Delmar or from such place as the said shells may be taken for hauling; three quarters of a cent per bushel to be paid for hauling those shells distributed within a distance of two miles from the said town of Delmar or from such place as said shells may be taken for hauling; for such further distance as may be necessary payment shall be made in the same proportion and no one but the residents and tax payers of Little Creek Hundred shall be allowed to haul and distribute the oyster shells on the County roads aforesaid.

Work confined
to resident tax
payers of
district.

Distribution of
shells, how
made.

Section 3. That the first five thousand bushels of oyster shells bought shall be distributed for use on the road leading from Delmar to Laurel commencing at the corporate limits of the town of Delmar; the second five thousand bushels shall be used on the Line road East of Delmar, commencing at the corporate limits of the town of Delmar; the next three thousand bushels shall be used on the Providence road beginning at its intersection with and west of the Delmar-Laurel road and the Providence road; the next two thousand bushels shall be used on the Line road West of Delmar, beginning at the corporate limits of the town of Delmar. And when these shells have been distributed then it shall be commenced as before, and when the road leading from Delmar to Laurel shall be shelled to the intersection of said Delmar-Laurel road with the road through Q. A. Veasey's farm, the shells shall be distributed one half on the Delmar-Laurel road and the other half of the shells shall be distributed on the road leading through Q. A. Veasey's farm; when the line road shall be shelled to the point where it is intersected by the stage road, then one-half of the shells shall be distributed on the Line road and the other half of the shells shall be distributed on the State road running North; and fifteen hundred bushels to be distributed on the Providence road as before; and then one thousand bushels to be distributed on the Line road West of Delmar; and when these shells shall have been distributed, then it shall be commenced as before continuing until said roads are completely shelled, and when these roads shall be completely shelled, then on such other

OF ROADS AND BRIDGES.

roads in said hundred as the Commissioners for the said hundred or for the district in which said hundred may be included, shall designate."

Section 4. That the allotment of money to Little Creek Hundred from the general fund for use upon the County roads of said hundred, shall not be decreased by anything herein contained, but the said hundred shall receive such allotments in addition to the amounts raised by the special tax herein authorized.

Not to decrease
general road
fund for
district.

Section 5. That this Act shall be deemed and taken to be a public Act.

Approved, March 20, A. D. 1905.

TITLE NINTH.

Regulations Concerning Trade.

CHAPTER 149.

GENERAL PROVISIONS RESPECTING TRADE.

AN ACT licensing Brokers or other persons to make small loans and charge interest in excess of the present legal rate.

Preamble. Whereas, there is within this State one or more persons or corporations engaged in the business of advancing loans of money and accepting as security chattel mortgages where the security is household goods or furniture, and in some cases accepting orders upon the firm or corporation where the borrower is employed, and

Preamble. Whereas, the charges imposed by said persons or corporations are in excess of the legal rate of interest in this State, affected by imaginary services rendered in the form of searches, attorneys fees, etc., therefore,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Certificates of registration, by whom issued. Section 1. That after the approval of this Act the Clerk of the Peace of New Castle County shall grant certificates of Registration under his hand and the seal of his office to persons, firms or corporations, authorizing them to exercise the business of loaning money as hereinafter provided. Applicants for such certificates of registration shall upon receiving the same enter into a bond to the State of Delaware in the penal sum of One Thousand Dollars, with warrant for the confessing of judgment thereon, with waiver of all benefit

Applicants to enter bond with warrant of attorney.

GENERAL PROVISIONS RESPECTING TRADE.

of the exemption laws of any State in which judgment shall be recovered upon said bond, conditioned for the due observance of the provisions of this Act and to pay any fine or fines and costs imposed upon such obligor or obligors for the violation of the provisions of this Act.

Condition of
Bond.

That persons, firms or corporations taking out such certificates of registration shall pay to the Clerk of the Peace for his own use an issuing and registration fee of Two Dollars.

Registration
fee.

Section 2. That the Clerk of the Peace of New Castle County shall keep a record of all certificates of registration so granted by him which record shall contain the names and residences of the persons granted such certificate and if such a certificate shall be granted to a company or firm, the names of the individuals composing the same, and if a corporation the names of the President, Secretary and Treasurer of the said Corporation and their respective residences, and the said record shall be competent evidence in any Court where the fact of such registration may be in question.

Records of
such certificate,
by whom to
be kept.

Record to con-
tain certain
facts.

Record, evi-
dence of what.

Section 3. That every person holding a certificate as aforesaid shall be entitled to make loans on personal property or otherwise not exceeding the sum of One Hundred Dollars and charge as interest in addition to the legal rate of interest an additional sum at the rate of five per centum per annum on the amount loaned, and no further interest, commission or charge shall be made.

Such registered
person may
loan under
\$100.

Maximum
charges.

Section 4. Any person, firm, company or corporation making a loan and charging said additional interest or any interest, commission or charge in excess of six per centum, the legal rate of interest on any sum not exceeding One Hundred Dollars as aforesaid, shall give to the borrower a correct copy of any mortgage, bond, note or any instrument of writing by which said loan is evidenced or secured, and on failure or refusal to furnish on request of the borrower a copy of said mortgage, bond, note or other instrument or obligation evidencing or securing said loan shall be guilty of a misdemeanor, and on conviction thereof shall for each offense be fined a sum not less than Twenty nor more than One Hundred Dollars, or imprisoned for a term not exceeding one month or both in the discretion of the Court.

Such registered
person to give
correct copy of
contract of
writing.

Refusal a
misdemeanor.

Penalty.

GENERAL PROVISIONS RESPECTING TRADE.

Person not so registered loaning money and receiving more than 6 per cent.

Or person so registered exacting more than 6 per cent. with additional 5 per cent.

Misdemeanor.

Penalty.

Violation of this Act by firm or corporation, officers of such firm or corporation liable as principals.

Not to modify usury laws.

Not to authorize loaning over \$100 at such increase rate of interest.

Section 5. If any person or persons, firm, company or corporation, not first having taken out a certificate of registration as aforesaid, shall exact, require or demand, from any person or persons, a rate of interest upon sums of One Hundred Dollars or under in excess of six per centum per annum, whether the same is stated to be either interest or for services rendered or expenses incurred, or if any person or persons, firm, company or corporation having taken out a certificate of registration as aforesaid, shall exact, require or demand from any person or persons, interest upon sums of One Hundred Dollars or under in excess of the legal rate of interest as now provided by law in this State together with an additional sum at the rate of five per centum on the amount of loan per annum as hereinbefore provided, whether said additional sum be in the form of interest or for services rendered or expenses incurred, shall be guilty of a misdemeanor, and on conviction thereof shall be fined a sum not less than Twenty nor more than One Hundred Dollars for each offense, or imprisoned for a term not exceeding one month or both, in the discretion of the Court.

Section 6. In case of the violation of any of the provisions of this Act by any firm, company or corporation, and member of said firm or company, and the President, Secretary or Treasurer, or any person or persons acting as agent or agents of the said firms, companies or corporations in the County of New Castle, may be proceeded against as principals and if found guilty of violating the provisions of this Act shall be punished in accordance with the provisions thereof.

Section 7. It is expressly provided that nothing in this Act contained shall be construed to modify or repeal the usury laws of this State, or to authorize the loaning of money in sums of more than One Hundred Dollars by any person or persons, firm, company or corporation, at a greater rate of interest than that of six per centum per annum, but the said laws shall be and remain in full force and virtue and the penalties provided for the violation of the provisions of this Act, shall be in addition to the penalties provided by the said usury law.

GENERAL PROVISIONS RESPECTING TRADE.

Section 8. This Act shall not apply to any national or State Bank or to any Trust Company organized under the laws of this State. Not to apply to certain corporations

Section 9. That all Laws or parts of Laws inconsistent herewith are hereby repealed and made null and void.

Approved, March 29, A. D. 1905.

CHAPTER 150.

GENERAL PROVISIONS RESPECTING TRADE.

AN ACT to repeal an Act entitled "An Act in relation to Express Companies doing business in this State," passed May 2, A. D. 1893, being Chapter 700, Volume 19, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That the Act entitled "An Act in relation to Express Companies doing business in this State" passed at Dover May 2, A. D. 1893, being Chapter 700, Volume 19, Laws of Delaware, be and the same is hereby repealed. Chapter 700, Volume 19, repealed

Approved, March 16, A. D. 1905.

GENERAL PROVISIONS RESPECTING TRADE.

CHAPTER 151.

GENERAL PROVISIONS RESPECTING TRADE.

AN ACT to amend an Act entitled "An Act taxing Express Companies doing business in this State," passed April 25, A. D. 1880, being Chapter 461, Volume 18, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 4,
Chapter 461,
Volume 18,
amended.

Section 1. That Section 4 of Chapter 461, Volume 18, of the Laws of Delaware, entitled "An Act Taxing Express Companies doing business in this State," be and the same is hereby amended by striking out the whole of said Section 4, and inserting the following in lieu thereof, to wit:

Unlawful to
charge more in
Delaware than
for like services
in Pennsylvania
and Maryland.

Section 4. That it shall be unlawful for any express company, firm, corporation, or individual, carrying on an express business in this State, to charge or receive for the transportation, or for the transportation and delivery of any bundle or package containing anything of value, a greater compensation for such service than the same company, firm, corporation or individual, charges and receives for like service, under similar circumstances and conditions, in the States of Pennsylvania and Maryland. Any express company, firm, corporation or individual violating the provisions of this section shall forfeit and pay to any person or corporation unlawfully charged as aforesaid, the sum of Twenty Dollars, and any person or corporation unlawfully charged as aforesaid is hereby authorized to sue for the same. Provided however, that if such violation of this section shall result from a clerical mistake, and the excess over the proper charge be returned to the person or corporation paying the same within ten days after such return be demanded, then the penalty above provided for shall not be enforced.

Penalty.

Proviso, when
violation shall
not subject
Company to
penalty.

Approved, March 16, A. D. 1905.

OF RETAILERS OF GOODS AND PEDDLERS.

CHAPTER 152.

OF RETAILERS OF GOODS AND PEDDLERS.

A SUPPLEMENT to "An Act in relation to Peddlers within the County of New Castle."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That from and after the passage of this Act all honorably discharged Soldiers and Sailors of the Civil War, residents of the State of Delaware, are hereby exempt from the provisions of Chapter 162, Volume 22, Laws of Delaware, and are not required to have a peddler's license in order to engage in the business of a peddler anywhere within the State of Delaware, provided, however, that such honorably discharged soldier or sailor when engaging in such occupation shall at all times carry a certificate of his discharge, in lieu of a license, for the inspection of any police officer, city constable or peace officer within this State.

Certain discharged soldiers and sailors exempted from license, etc. as peddler.

Section 2. That all acts or parts of acts inconsistent with this Act be and the same are hereby repealed.

Approved, March 21, A. D. 1905.

OF RETAILERS OF GOODS AND PEDDLERS.

CHAPTER 153.

OF RETAILERS OF GOODS AND PEDDLERS.

AN ACT to amend Chapter 162, Volume 22, Laws of Delaware, entitled "An Act in relation to Peddlers within the County of New Castle" as amended by Chapter 390, Volume 22, Laws of Delaware, by exempting persons selling or peddling grain, provisions, provender, fruit, vegetables or other farm produce from giving a bond to the State or paying a License.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Peddler of fruit, etc. or other farm produce not to give bond nor take out license.

Section 1. That from and after the approval of this Act no Peddler or Hawker or any person whose business it is to go from door to door with wagon, cart or other vehicle drawn by horse or horses, selling grain, provisions, provender, fruit, vegetables or other farm produce, shall be required to enter into any Bond to the State, nor shall they be required to take out any License in order to follow their vocations.

Section 2. All Acts or parts of Acts inconsistent herewith are hereby repealed and made null and void.

Approved, April 6, A. D. 1905.

TITLE TENTH.

Of Corporations.

CHAPTER 154.

GENERAL PROVISIONS RESPECTING CORPORATIONS.

AN ACT to amend Section 71, as amended, of "An Act providing a General Corporation Law", relating to the incorporation of companies for the purpose of draining and reclaiming low lands.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of all the members elected to each House of the General Assembly concurring therein)

Section 1. That Section 71 of Chapter 167, Volume 22 of the Laws of Delaware, entitled "An Act providing a General Corporation Law", as amended by Section 1 of Chapter 393 of Volume 22 of the Laws of Delaware, be and the same hereby is amended by striking out the whole of the Second paragraph of subdivision 2 of said Section 71 of said Act, and inserting in lieu thereof the following, viz. "That all of the other provisions of said Chapter 59 of the Revised Code, of 1893, as amended, shall be applicable to corporations now, or hereafter to be chartered or created under this Section, provided that if any ditch, or drain, heretofore created and laid out, either by, or under, a special Act of the General Assembly, or by, or under said Chapter 59 of the Revised Code, shall compose the whole, or any part of the ditch, or ditches, drain, or drains of any corporation hereafter to be organized under this Section, it shall not be necessary for the commissioners appointed to view the premises to have that portion of said ditch or ditches, drain

Chapter 167,
Volume 22,
amended.

Draining and
reclaiming low
lands, Chapter
59, Revised
Code
applicable.

Commissioners
may adopt old
surveys and
plots, when.

GENERAL PROVISIONS RESPECTING CORPORATIONS.

or drains, surveyed and plotted, as is provided for in Section 2 of said Chapter 59, but that a return to the Court containing a copy of the plot accompanying the return in any such original, or former proceeding, together with a statement of such other facts as may have been set forth therein explanatory of and incident to said plot, shall be a sufficient compliance with that part of said Section 2 of Chapter 59 which refers to the plot and return and the details to be shown therein; and provided further, that the managers and treasurer provided for in said Chapter 59 shall be the managers and treasurer of the corporation, and that there shall be as many of such managers as the corporation by vote of its members shall deem proper, but such number shall not be less than three, instead of two as is provided for in said Chapter 59 of the Revised Code".

Approved, March 20, A. D. 1905.

CHAPTER 155.

GENERAL PROVISIONS RESPECTING CORPORATIONS.

AN ACT to amend an Act entitled "An Act providing a General Corporation Law", as printed and published in Chapter 394, Volume 22, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (with the concurrence of two-thirds of the members elected to each House of the General Assembly):

Section 1. That Section 14 of an Act entitled "An Act providing a General Corporation Law", as printed and published in Chapter 394, Volume 22, Laws of Delaware, be and the same is hereby amended by striking out all of Section 14, and inserting in lieu thereof a new Section 14, which shall be and read as follows, viz.:

GENERAL PROVISIONS RESPECTING CORPORATIONS.

"Section 14. Subscriptions to, or purchase of, the capital stock of any corporation organized or to be organized under any law of this State may be paid for, wholly or partly, by cash, by labor done, by personal property, or by real property or leases thereof; and the stock so issued shall be declared and taken to be full paid stock and not liable to any further call, nor shall the holder thereof be liable for any further payments under the provisions of this Act. And in the absence of actual fraud in the transaction, the judgment of the Directors, as to the value of such labor, property, real estate or leases, shall be conclusive."

Subscription
to capital stock
for labor, etc.

Stock so issued
full paid.

Judgment of
Directors final
as to value of
labor, etc.

Section 2. That Section 105 of an Act entitled "An Act Providing a General Corporation Law", as printed and published in Chapter 394, Volume 22, Laws of Delaware, be and the same is hereby amended, by adding at the end of said Section 105, to be read as a part of said Section 105, the following:

"It shall be lawful for any telegraph or telephone corporation or corporations of this State, whether created by prior special act or under this Act, to consolidate with any other telegraph and telephone company or companies incorporated under the laws of this State, or any other State, or of the United States, whose telegraph or telephone line or lines, within or without this State, shall connect or form a continuous line or continuous lines with the telegraph or telephone line or lines of the company or companies so consolidated. Such consolidation shall be made in the manner and by the proceeding in this Act prescribed; and the corporation created thereby shall be possessed of, exercise and enjoy all the rights, powers and privileges which this Act confers upon consolidated companies; and it shall likewise be possessed of, exercise and enjoy all the franchises, rights, powers, privileges, immunities and benefits which any corporation of this State, constituent thereof, was possessed of or entitled to exercise under its charter or any law of this State; and shall be subject, within this State, to the conditions and restrictions imposed by its charter on any corporation of this State, constituent thereof."

Telegraph or
Telephone
companies may
consolidate
with other con-
necting compa-
nies whether
within or with-
out the State.

How consolida-
tion to be
effected.

Powers of such
consolidated
companies.

Approved, March 29, A. D. 1905.

GENERAL PROVISIONS RESPECTING CORPORATIONS.

CHAPTER 156.

GENERAL PROVISIONS RESPECTING CORPORATIONS.

AN ACT to renew the Charters of Corporations which have expired since January 1st, 1903.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (with the concurrence of two-thirds of all the members elected to each House of the General Assembly).

Certain corporations may renew their charters by filing certificates with Secretary of State.

Certificate, to contain what.

Section 1. That any corporation, which was in existence under the laws of this State on the Tenth day of March, 1899, and whose charter has expired since the first day of January 1903, by reason of failure to renew the same through oversight or inadvertence, may at any time before the first day of January, 1906, procure a renewal and revival of its charter for any period, together with all the rights, franchises, privileges and immunities, and subject to all its duties, debts and liabilities which had been secured or imposed by its original charter and all amendments thereto, by filing with the Secretary of State a Certificate of its last or acting President and Secretary, duly sworn or affirmed to by such officers. Such certificate shall set forth:—

(1) The name of the corporation, which name shall be the same name it bore when the charter expired.

(2) The name of the city, town or place within the county in which its principal office or place of business is located in this State.

(3) The date when such renewal or revival is to commence, which shall be prior to the date of the expiration of the old charter which it is desired to renew and revive; whether or not such renewal is to be perpetual, and if not perpetual, the time for which such renewal is to continue.

(4) That the corporation desiring to be renewed and revived, and so renewing its charter, was duly organized and

GENERAL PROVISIONS RESPECTING CORPORATIONS.

carried on the business authorized by its charter until the day of 19 , at which time its charter expired by limitation through inadvertence and oversight on the part of the corporation. This Certificate for renewal and revival is filed by authority of those who were President and Directors or Managers of the said corporation at the time its charter expired and who under the laws of this State by virtue thereof became its trustees.

Such certificate, shall be filed, copied, recorded and dealt with, and in all respects shall have the same force and effect as if such certificate had been filed by said corporation before the expiration of its charter, under the provisions of "An Act providing a General Corporation Act", approved March 17, 1903, Chapter 394, Volume 22, Laws of Delaware. Upon such revival and renewal, all acts, matters and things done and performed by such corporation within the scope of its charter, since the expiration of the same, shall be and hereby are expressly ratified and approved, and all the real and personal property, rights and credits which were of the said corporation at the time of the expiration of its charter, and which have not been since disposed of, shall be vested in and restored to the renewed and revived corporation as fully and amply as they were held by the said corporation at and before its charter expired.

Procedure same as provided under General Corporation law.

Upon revival, acts previously done made valid.

Property interests vested in revived corporation.

Section 2. Any corporation seeking to renew its charter under the provisions of this Act shall first pay all City, County State and franchise taxes and charges which it would by law have been liable to pay and chargeable with, if its said charter had not expired; and said corporation shall file with the Certificate mentioned in Section one of this Act a statement executed and sworn or affirmed to by its last or acting President and Secretary. Said statement shall contain the amount of said taxes and charges so paid, the date of the payment, to whom paid, and the period of time covered by said taxes and during which they accrued.

All taxes to be paid by such corporations.

Approved, March 21, A. D. 1905.

GENERAL PROVISIONS RESPECTING CORPORATIONS.

CHAPTER 157.

GENERAL PROVISIONS RESPECTING CORPORATIONS.

A Further Supplement to the Act entitled "An Act to incorporate The Young Men's Association for Mutual Improvement, of the City of Wilmington."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein).

Acts re-enacted
incorporating
said Association.

Section 1. That the Act entitled "An Act to Incorporate the Young Men's Association for Mutual Improvement, of the City of Wilmington," passed at Dover, February 10, 1857, as amended by the supplements thereto passed at Dover January 27, 1859, March 7, 1873, April 18, 1887, April 24, 1893, April 26, 1893 and March 26, 1903 is hereby re-enacted, revived, extended and continued in force in perpetuity from and after the passage of this Act, and the corporation thereby created shall have succession and all the rights, powers, privileges and franchises heretofore vested in said corporation by any law of this State.

Section 2. This Act shall be deemed and taken to be a public act and the power to revoke the same is hereby reserved to the Legislature.

Approved, April 3, A. D. 1905.

OF BANKS.

CHAPTER 158.

OF BANKS.

AN ACT providing for the issue of certain certificates of stock by the National Bank of Delaware to the State and providing for a bond of indemnity to the said Bank.

Whereas, The State of Delaware is the owner of fifty-seven shares of the Capital Stock of the National Bank of Delaware, of the par value of Two Hundred Dollars, twenty shares of which belong to the General Fund and thirty-seven of which belong to the School Fund;

Preamble.

And Whereas, The Certificate or certificates for said stock have been lost, misplaced or stolen, the only evidence of ownership in the possession of the State being a certificate under the hands of the President and Cashier of said Bank that there is standing on the books of said Bank, fifty-seven shares of stock to the Credit of the State;

Preamble.

And Whereas, It is desirable that the State should hold some better evidence of its title to said stock than the certificate above mentioned;

Preamble.

And Whereas, The said Bank has recently reduced the par value of its stock from Two Hundred Dollars per share to One Hundred Dollars per share, and has issued two shares of the new stock in the place and instead of each share of the old stock;

Preamble.

And Whereas, The National Bank of Delaware is ready and willing to issue to the State of Delaware duplicate certificates for the shares of stock so lost, mislaid or stolen as aforesaid, upon being properly indemnified against any loss or damage which might ensue from or by reason of the issue of said duplicate certificate as aforesaid; Now therefore

Preamble.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That on the receipt by the State Treasurer of certificates for one hundred and fourteen shares of the Capital Stock of the National Bank of Delaware, of the par value of One Hundred Dollars each, the Governor, Secretary

On delivery of stock, bond of indemnity to be delivered.

OF BANKS.

By whom
executed.

of State and State Treasurer are hereby authorized and directed to execute and deliver a bond of indemnity of the State of Delaware, to the said Bank for the sum of Twenty-five Thousand Dollars which bond of indemnity shall be in the following form, viz:

United State of America.
State of Delaware.

Bond, form of

These presents certify and make known that the State of Delaware, acknowledges itself bound unto the "National Bank of Delaware," at Wilmington, a corporation of the United States of America, in the sum of Twenty-five Thousand Dollars, to be paid to the said Bank or its successors.

Now the condition of this obligation is such that if the State of Delaware shall at all times save, keep harmless and indemnify, the said "National Bank of Delaware," at Wilmington, of and from all actions, suits, accounts, demands, losses or damages whatsoever, for or on account of the loss of the certificates for fifty-seven shares of the Capital Stock of the said Bank, by it heretofore issued to said State, and shall at all times save, keep harmless and indemnify the said Bank of and from all actions, suits, accounts, demands, losses or damages, for or by reason of the issue of duplicate certificates for one hundred and fourteen shares of the Capital Stock of said Bank at the par value of one hundred dollars per share, issued in lieu of said fifty-seven shares of said stock, then this obligation to be void, or else to be and remain in full force and virtue. Dated at Dover, the day of in the year of our Lord, one thousand nine hundred and five.

Witness the Great Seal of the said State, and the hands of the Governor, Secretary of State and State Treasurer, the day and year aforesaid.

Governor.
Secretary of State.
State Treasurer.

(Great Seal.)

Approved, April 3, A. D. 1905.

OF THE CITY OF WILMINGTON.

CHAPTER 159.

OF THE CITY OF WILMINGTON.

AN ACT to amend an Act entitled "An Act to revise and consolidate the Statutes relating to the City of Wilmington" being Chapter 207, Volume 17, Laws of Delaware, exempting from municipal taxation the lands and tenements of all Charitable Day Nurseries for Babies.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring therein):

Section 1. That all lands and tenements to the value of twenty-five thousand dollars owned by any corporation or association maintained by charity which are used wholly or in part as Day Nurseries for Babies, shall be and the same are hereby declared to be exempt from taxes, assessments, burdens or impositions whatsoever for municipal purposes.

Property of certain Charitable Institution exempt from taxation.

Section 2. All Act or parts of Acts inconsistent herewith are hereby repealed.

Approved, March 9, A. D. 1905.

OF THE CITY OF WILMINGTON.

CHAPTER 160.

OF THE CITY OF WILMINGTON.

AN ACT to amend an Act entitled "An Act to revise and consolidate the Statutes relating to the City of Wilmington", being Chapter 207, Volume 17, Laws of Delaware, exempting from taxation for municipal purposes, the lands and tenements of all non-sectarian Charitable Young Women's Christian Associations.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch thereof concurring therein):

Property of
certain Charita-
ble corpora-
tions exempt
from taxation.

Section 1. That lands and tenements of the value of twenty-five thousand dollars, owned by any corporation or association maintained by charity in this State, which are used in whole or in part for non-sectarian Charitable Young Women's Christian Association, shall be and the same are hereby declared to be exempt from all taxes, assessments, burdens or impositions for municipal purposes.

Section 2. All Acts or parts of Acts inconsistent herewith are hereby repealed.

Approved, March 9, A. D. 1905.

OF THE CITY OF WILMINGTON.

CHAPTER 161.

OF THE CITY OF WILMINGTON.

AN ACT authorizing "The Mayor and Council of Wilmington" to convey the title of a certain lot of land.

Whereas, the ownership of a small triangular lot of land, formerly a part of the bed of Rockford Road, between Sixteenth and Seventeenth Streets, and bordering on Woodlawn Avenue, on the easterly side thereof, has by the vacation of said Road become vested in "The Mayor and Council of Wilmington"; and, Preamble.

Whereas, the said land is of no practical use to the said City since the vacation of said Road, and it is desirable that the said City shall have authority to sell or dispose of the same, now Preamble.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met (two-thirds of each branch thereof herein concurring):

"Section 1. The Mayor and Council of Wilmington is hereby authorized and empowered to sell the whole or any part of the above mentioned land, and the said Mayor is authorized and directed, to execute and deliver to the purchaser or purchasers thereof, a good and sufficient deed or deeds conveying the title thereto in fee simple when so directed by a resolution of the City Council". City authorized to sell certain land.
Mayor to give deed.

Approved, March 16, A. D .1905.

OF THE CITY OF WILMINGTON.

CHAPTER 162.

OF THE CITY OF WILMINGTON.

AN ACT to amend an Act entitled "An Act increasing the salary of the City Solicitor of the City of Wilmington, and providing for an Assistant City Solicitor", being Chapter 575, Volume 20, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):

Chapter 575,
Volume 20,
amended to
enable City
Solicitor to
appoint Assistant Solicitor.

Section 1. That Section 2 of an Act entitled "An Act increasing the salary of the City Solicitor of the City of Wilmington, and providing for an Assistant City Solicitor, being Chapter 575, Volume 20, Laws of Delaware, passed at Dover, May 28, 1897, be and the same is hereby amended by striking out the words "that there shall be" in the first line of said Section 2, and inserting in lieu thereof the following words to-wit: "That the City Solicitor shall appoint."

Approved, March 16, A. D. 1905.

OF THE CITY OF WILMINGTON.

CHAPTER 163.

OF THE CITY OF WILMINGTON.

A Further Supplement to an Act entitled "An Act to provide for Public Parks for the use of the City of Wilmington and its vicinity," passed March 13th, 1883.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each branch of the Legislature concurring therein):

Section 1. That the Mayor and Council of Wilmington, upon recommendation of the Board of Park Commissioners, are hereby authorized to borrow a sum or sums not exceeding in the aggregate twenty thousand dollars to be applied and expended under the charge of the Board of Park Commissioners of the said city for the purpose of improving the Parks, and a sum or sums not exceeding in the aggregate thirty thousand dollars for the purchase or acquisition, in the manner authorized in the Act to which this is a supplement, of lands to be used as additions to said Parks.

City authorized to borrow money to purchase additional lands for parks.

Section 2. That the Bonds of the City of Wilmington authorized to be issued under the provisions of this Act, shall be issued, and payment made in the manner provided by an "Act passed at Dover, February 9th, 1855, entitled 'An Act to provide a sinking fund for the payment of the city debt of Wilmington,'" and the various amendments and supplements thereto.

Bonds authorized.

Approved, March 29, A. D. 1905.

OF THE CITY OF WILMINGTON.

CHAPTER 164.

OF THE CITY OF WILMINGTON.

AN ACT to authorize "The Mayor and Council of Wilmington" to borrow a certain sum of money for the elimination of grade crossings of railroads and for the improvement of streets and avenues and construction of sewers in the City of Wilmington, Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring herein):

City authorized to borrow money to abolish grade crossings.

Section 1. That "The Mayor and Council of Wilmington" shall have power and authority, and they are hereby directed to borrow the sum of one hundred thousand dollars and to issue bonds of the said city for the payment thereof with interest, said payment to be made at such times and in such manner as the said Council of the said City of Wilmington shall by ordinance prescribe and appoint, and the said sum of one hundred thousand dollars shall, in the discretion of the Board of Directors of the Street and Sewer Department of the said City of Wilmington, be appropriated, applied and expended by the said board for the following public improvements, that is to say, for the abolition of grade crossings of railroads within the limits of the City of Wilmington, and for the opening, widening, paving and improving of streets, avenues, lanes or alleys and for the extension of the authorized sewer system provided for and in said City of Wilmington.

Money when to be borrowed.

Section 2. That any and all moneys so borrowed under the authority of this Act shall be borrowed by the said "The Mayor and Council of Wilmington" at such times and in such amounts as the Board of Directors of the Street and Sewer Department of the said City of Wilmington may decide and direct. Provided, however, that in no event shall the amount to be borrowed under the provisions of this Act exceed the sum of fifty thousand dollars in any one calendar year and the same shall be applied and expended through and by the said Board of Directors of the Street and Sewer

Proviso.
Limit of amount to be borrowed in any year.
How expended.

OF THE CITY OF WILMINGTON.

Department of the said City of Wilmington, which shall have the supervision, management, direction and control over the said work and the expenditure of money necessary with respect thereto. All moneys borrowed as aforesaid for the purposes hereinbefore mentioned shall be placed on deposit by the said Board of Directors of the Street and Sewer Department of the said City of Wilmington, and no warrant or order for the payment of money shall be drawn against such funds except such order, or warrant is for payment for work done upon and about the improvement provided for this Act, provided, however, that it shall be discretionary with the Board of Directors of the Street and Sewer Department as to which improvement or improvements any or all of such money or moneys shall be applied, provided, however, that not more than one third of the moneys so borrowed under the authority of this Act shall be applied for the extension of sewers.

Money to whose credit deposited.

How drawn on.

Proviso.

Proviso.

Limit of amount to be used on sewers.

Section 3. That the bonds of the City of Wilmington, authorized to be issued under the provisions of this Act, shall be issued and payment made in the manner provided for in the Act passed at Dover, February 9, 1855, entitled "An Act to Provide a Sinking Fund for the City of Wilmington," and the various amendments and supplements thereto.

Bonds of City to be issued under what Act.

Section 4. That all Acts or parts of Acts inconsistent with the provisions of this Act be and the same are hereby repealed.

Approved, March 6, A. D. 1905.

OF CITIES AND TOWNS.

CHAPTER 165.

OF CITIES AND TOWNS.

AN ACT to amend Chapter 36, Volume 12, Laws of Delaware, being an Act entitled "An Act to incorporate the Town of Middletown," by extending the limits thereof and reviving and re-enacting the original Act to incorporate the Town of Middletown.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of all the members elected to each House of the General Assembly concurring therein):

Limits of town changed.

Section 1. That the limits and outside boundary lines of the town of Middletown be and they are hereby changed, and hereafter shall be as follows:—That Main Street and Broad Street shall extend one half mile in each direction from the intersection of the centres of the said Main and Broad Streets in said town. That the outside boundary lines of said town shall be as follows, viz: Beginning at a point on the west side of North Broad Street the northern limit of said town as herein extended, thence in a straight line southeasterly to the stone on the side of east Main Street in said town, which is now the eastern extremity of the corporate limits thereof; thence with a straight line southwesterly to the point on the west side of South Broad Street the southern limit of said town as herein extended thence with a straight line north westerly to the stone on the side of West main Street in said town, which is now the western extremity of the corporate limits thereof; thence in a straight line north easterly to the place of beginning.

Within changed limits town to have powers as hitherto.

Section 2. Within the limits of the town of Middletown as extended and established by this Act "The Commissioners of the Town of Middletown" shall be vested with all the powers, rights, privileges and immunities which have hitherto belonged to them as a municipal corporation, and all the laws, ordinances and regulations in force within the former limits of said town, are hereby extended and applied to the new territory comprised within the boundaries as set forth and established in the first Section of this Act.

OF CITIES AND TOWNS.

Section 3. All real estate and other property within the territory by this Act added to, and included within the corporate limits of the town of Middletown, and all persons now or hereafter residing therein, shall be subject to assessment for town taxes, and liable in all other matters pertaining to the government of said town, in like manner and subject to the same rights, rules, ordinances and restrictions as obtained in all other cases within the corporate limits of said town prior to the passage of this Act.

Property and persons within limits of town subject to taxation as hitherto.

Section 4. All the other provisions of the Act entitled "An Act to Incorporate the Town of Middletown" passed at Dover, February 12, A. D. 1861, being Chapter 36, Volume 12, Laws of Delaware, together with all amendments thereto are hereby revived and re-enacted and shall be perpetual.

Act of incorporation re-enacted, being Chapter 36, Volume 12.

Approved, April 3, A. D. 1905.

CHAPTER 166.

OF CITIES AND TOWNS.

AN ACT to amend an Act entitled "An Act to re-incorporate the Town of Newark", passed at Dover, April 21st, 1887; fixing the amount of money to be borrowed by the Council.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, two-thirds of the members elected to each branch thereof concurring therein.

Section 1. That Section 33, Chapter 175, Volume 18, Laws of Delaware, as amended, be hereby amended by striking out, in line three thereof, between the words "exceeding" and "in" the figures "\$3,000" and inserting in lieu thereof the words "Five Thousand Dollars".

Section 33, Chapter 175, Volume 18, amended limiting amount which may be borrowed.

Approved, April 3, A. D. 1905.

OF CITIES AND TOWNS.

CHAPTER 167.

OF CITIES AND TOWNS.

AN ACT to amend an Act entitled "An Act to re-incorporate the Town of Newark", passed at Dover, April 21st, 1887; regulating the amount to be raised in the Town of Newark by taxation.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, two-thirds of the members elected to each branch thereof concurring therein:

Chapter 175,
Volume 18,
amended,
increasing
amount of tax
to be raised.

Section 1. That Section 32, Chapter 175, Volume 18, Laws of Delaware, as amended, be hereby amended by striking out in line four thereof between the words "more" and "Thousand" the words "than five" and inserting in lieu thereof the words "than ten".

Approved, April 3, A. D. 1905.

CHAPTER 168.

OF CITIES AND TOWNS.

AN ACT to authorize the Council of Newark to provide a better Water Supply.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, two-thirds of the members elected to each branch thereof concurring.

Council may
acquire title to
land needed to
increase water
supply.

Section 1. That, for the purpose of providing a better and more efficient water supply for the Town of Newark, Delaware, the Council of Newark be and it is hereby authorized and empowered to purchase, take title to and hold, in the name of The Council of Newark, any land it may deem

OF CITIES AND TOWNS.

necessary for said purpose, at any place it may determine upon within the Town of Newark or outside of the limits of said town, within New Castle County and may pay for the same and for any wells it may place thereon, for all buildings, machinery and appliances it may erect and for any and all labor required out of any funds in its control or which it may be authorized in any manner to raise.

May erect buildings thereon.

Section 2. That the said The Council of Newark be and it is hereby authorized to lay its pipes or conduits, to carry said water to the Town of Newark, along and under any public road or roads in the County of New Castle and, whenever necessary, it may acquire, by agreement with the owner or owners, the right to lay and maintain the same over private property.

May lay pipes on any highway.

May acquire right over private property.

Section 3. The Council of Newark is hereby given and it shall be deemed to have any and all other powers, required or which may be necessary, to acquire, build, construct, operate and maintain said additional water works and water supply and make any and all necessary contract and agreements therefor and it shall have the same control and jurisdiction, by ordinance, over them and the pipes and conduits therefrom as if they were located within the limits of said town, with power to prevent, by ordinance or otherwise, the pollution of or other injury to any well or wells, stream or streams from which said water is derived.

Empowered to construct and equip additional water works.

Given full control over pipe wherever located.

May prevent pollution.

Section 4. The Council of Newark shall have the power to sell water to persons or corporations along or adjacent to its pipe lines or conduits without the limits of the Town of Newark on such terms and under such restrictions as it shall from time to time provide.

Council may sell water rights.

"Section 5. Provided that the Town Council of Newark shall not be permitted to extend the water works as contemplated in this act nor to contract therefor beyond the purchase and payment for land for which an option has already been given until a majority vote of the qualified voters of said Town of Newark shall determine whether or not said Water Works and Electric Light Plant shall be sold, and if the majority vote shall be cast for the sale of said Water Works and Electric Light Plant as proposed in "An Act

Improvements not to be made if works are directed to be sold pursuant to another Act.

OF CITIES AND TOWNS.

Authorizing the Town Council of Newark to sell the said Water Works and Electric Light Plant belonging to the Town of Newark", in that case the Town Council shall enter into no further contract and take no further action towards an extension of said Water Works".

Approved, April 3, A. D. 1905.

CHAPTER 169.

OF CITIES AND TOWNS.

AN ACT to authorize The Council of Newark to sell the Water Works and Electric Light Plant belonging to the Town of Newark.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, two-thirds of the members elected to each branch thereof concurring therein:

Section 1. That whenever twenty or more freeholders of the Town of Newark, Delaware, shall make written application to the Council of The Council of Newark, stating that in their opinion it would for the best intesests of said Town to sell and dispose of the Water Works and Electric Light Plant now owned and operated by the said Town and the storage tank, boilers, engines, machines, pipes, wires, tools and appliances belonging or appertaining thereto, it shall be the duty of said Council within thirty days thereafter, to hold an election at such time and at such place as the Council may direct. The time and purpose of said election shall be posted in at least ten public places in said town, at least twenty days prior to said election. At said election, all male and female freeholders, qualified to vote at any town election, shall have the privilege of voting upon the question of whether said Water Works and Electric Light Plant shall be sold. At said election each of said freeholders may cast one vote for each dollar or fraction thereof of tax paid by him or her on real estate under the last assessment of real

Water Works
and Electric
Light Plant
may be sold
when.

Election.

Notice of
election.

Voters,
qualification.

Voting,
method.

OF CITIES AND TOWNS.

estate for said town. If at such election the majority of the qualified votes cast shall be in favor of selling and disposing of the Water Works and Electric Light Plant, as aforesaid, the said Council shall proceed to negotiate for the sale thereof and if it receive any bid therefor, from any person, persons, or corporation accompanied by his, their or its certified check for ten per cent. of the amount bid, it shall be the duty of said Council, within thirty days thereafter, to hold another election at such time and at such place as the said Council may direct, as aforesaid, at which election it shall submit to the qualified voters in the said town, as herein provided, the price for the the* terms on which it is proposed to sell said Water Works and Electric Light Plant. The time and purpose of said election and the price and terms on which said sale is proposed to be made shall be posted in at least ten public places in said town, at least ten days prior to said election. If at said elections the majority of the votes cast shall not be in favor of the sale and of the price offered no further election for the purpose shall be held until one year from the date of the last of said elections at which time and so from year to year elections may be had and votes taken upon a similar application and in the manner as herein provided. At said election, all the male and female freeholders, qualified to vote at any town election, shall have the privilege of voting upon the question of whether the said Water Works and Electric Light Plant shall be sold for the price and on the terms proposed. At said election each of said freeholders may cast one vote for each Dollar or fraction thereof of tax paid by him or her on said estate under the last assessment of real estate for said town. If at such election a majority of the qualified votes cast shall be in favor of selling said Water Works and Electric Light Plant and the storage tank, boilers, engines, machinery, pipes, wires, tools and appliances belonging or pertaining thereto and any and all real estate occupied thereby or belonging thereto, said Council shall have full power and authority and it is hereby expressly authorized and directed to sell and dispose of the same for the price and upon the terms as directed by the qualified voters of said town, as aforesaid. The said Council of The Council of Newark is hereby, further, given full power and authority, provided it is authorized to make said sale by the qualified voters as herein provided, to convey to the pur-

If election favorable to sale Council to proceed to sell.

Election to confirm sale.

Notice of such election.

If majority is against sale, not to submit again for one year.

Qualification of electors.

If majority favor sale, Council to consummate sale.

Council may convey, when.

*So Enrolled.

OF CITIES AND TOWNS.

chaser or purchasers, by good and sufficient deed or deeds or assurances in the law, in fee simple, all real estate included in said sale and transfer, assign, and set over to said purchaser or purchasers, by like good and sufficient assurances in the law, all other property, machinery, tools and appliances included in said sale.

Proceeds of
sale of plants,
to what pur-
pose to be used.

Section 2. That if said Water Works and Electric Light Plant shall be sold, pursuant to a vote of the qualified voters of said town, as herein provided, all moneys secured therefrom after paying the expenses of making said sale, shall be applied by the said Council to liquidating and paying the bonds of said town now outstanding which were issued to build and equip said Water Works or said Electric Light Plant and for no other purpose whatever.

Elections, how
held.

Section 3. All elections provided for in this act shall be held by the election officers as provided for in the Charter of Newark and all other formalities of said election not herein expressly provided for shall be as provided in other elections in said Charter.

Council given
authority to
carry into effect
provisions of
this Act.

Section 4. The said The Council of Newark shall be deemed to have and it is hereby given full power and authority to make any contracts or agreements and to do any and all things necessary to carry out the provisions of this act and to make said sale, if authorized so to do by the qualified voters of said town as herein provided and to cause all deeds, transfers, assignments, contracts, and agreements to be signed by its President and its Corporate Seal to be affixed thereto.

Section 5. This act shall be deemed and taken to be a public Act and printed as such.

Approved, April 3, A. D. 1905.

OF CITIES AND TOWNS.

CHAPTER 170.

OF CITIES AND TOWNS.

A SUPPLEMENT to the Act entitled "An Act to incorporate the City of New Castle", published in Volume 15, Laws of Delaware, at page 255 &c. and relating to the laying out and opening new streets in said City.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of all the members of each House concurring therein):

Section 1. It shall be lawful for the City Council of New Castle, upon the written application of at least twenty resident freeholders of said city, from time to time and as occasion may require, by ordinance passed for the purpose, by a vote of a majority of all the members thereof for the time being, to extend or widen any street, square, lane, road, alley or other highway, now laid out or opened or to be laid out or opened; and to lay out and open, any and all necessary new streets, squares, lanes, alleys or other highways, with said city, which they may deem proper, whether the same be upon any plot of said city or not. But before any property or ground shall be taken or occupied for the purpose of so extending, widening, laying out or opening of any such street, square, lane, road or other highway, under the provisions of this Act, the owner or owners of such property or ground shall be paid or tendered such damages, as they shall respectively be entitled to receive, which said damages shall be assessed and determined and paid in accordance with, and in the manner and mode of proceeding, specifically set forth in Section twenty-five of the said Act to incorporate the City of New Castle, published as Chapter 152, Volume 15, Laws of Delaware; and for this purpose the said Section twenty-five is hereby incorporated in and made a part of this Act, as fully as if herein set forth in its very words. Provided however, that if the owner or owners of said property or grounds to be taken, shall consent thereto, and agree in writing upon the amount of damages to be paid, then no condemnation proceedings shall be necessary, and upon payment of the

City Council may widen streets, etc., or open new streets, etc., when.

Before taking any property Council must pay or tender damages to owner.

Proviso.

Condemnation may be omitted when damages agreed to and are paid.

OF CITIES AND TOWNS

amount so agreed upon and with the written consent of the said owner or owners, the said street or other highway, may be at once opened as a public street or highway of said city.

No street, etc.
to be a public
charge until
accepted by
Council.

Section 2. No street or other highway now or hereafter laid out, opened or dedicated to the public, by any private person or corporation shall become a public street or highway of said city or a charge upon it, unless the same shall be accepted as such, by a formal resolution or ordinance of the city council of said city.

Approved, March 10, A. D. 1905.

CHAPTER 171.

OF CITIES AND TOWNS.

AN ACT to amend an Act entitled "A Supplement to the Act entitled 'An Act to incorporate the City of New Castle,' published in Volume 15, Laws of Delaware, at page 255, etc., and relating to the laying out and opening new streets in said City."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of all the members elected to each House concurring therein):

Section 1
amended.

Section 1. That Section 1 of said Act be amended as follows: Strike out the word "with" in the tenth line of said Section between the word "Highways" and the word "said" and insert in lieu thereof the word "within."

Section 2. That the Secretary of State be and he is hereby authorized and required to publish the Act to which this Act is an amendment as the same is hereby amended.

Approved, March 20, A. D. 1905.

OF CITIES AND TOWNS.

CHAPTER 172.

OF CITIES AND TOWNS.

A SUPPLEMENT to the Act entitled "An Act to incorporate the City of New Castle," published in Volume 15, Laws of Delaware, at page 255 &c. and relating to the laying out and opening new streets in said City.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members of each House concurring therein):

Section 1. It shall be lawful for the City Council of New Castle, upon the written application of at least twenty resident freeholders of said city, from time to time and as occasion may require, by ordinance passed for the purpose, by a vote of a majority of all the members thereof for the time being, to extend or widen any street, square, lane, road, alley or other highway, now laid out or opened or to be laid out or opened; and to lay out and open, any and all necessary new streets, squares, lanes, alleys or other highways, within said city, which they may deem proper, whether the same be upon any plot of said city or not. But before any property or ground shall be taken or occupied for the purpose of so extending, widening, laying out or opening of any such street square, lane, road or other highway, under the provisions of this Act, the owner or owners of such property or ground shall be paid or tendered such damages, as they shall respectively be entitled to receive, which said damages shall be assessed and determined and paid in accordance with, and in the manner and mode of proceeding, specifically set forth in Section twenty-five of the said Act to incorporate the City of New Castle, published as Chapter 152 of Volume 15, Laws of Delaware; and for this purpose the said Section twenty-five is hereby incorporated in and made a part of this Act, as fully as if herein set forth in its very words. Provided however, that if the owner or owners of said property or ground to be taken, shall consent thereto, and agree in writing upon the amount of damages to be paid, then no condemnation proceedings shall be necessary, and upon payment of the amount so agreed upon and with the written

City Council may widen streets, etc., or open new streets, etc., when.

Before taking any property Council must pay or tender damages to owner.

Proviso. Condemnation may be omitted when damages agreed to and are paid.

OF CITIES AND TOWNS.

consent of the said owner or owners, the said street or other highway, may be at once opened as a public street or highway of said city.

No street, etc.
to be a public
charge until
accepted by
Council.

Section 2. No street or other highway now or hereafter laid out, opened or dedicated to the public, by any private person or corporation shall become a public street or highway of said city or a charge upon it, unless the same shall be accepted as such, by a formal resolution or ordinance of the city council of said city.

Approved, March 20, A. D. 1905.

CHAPTER 173.

OF CITIES AND TOWNS.

AN ACT to re-incorporate the Town of Odessa in New Castle County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the General Assembly concurring):

Election.	Section 1. That an election be held in the town of Odessa, New Castle County, on the first Monday of April next, and on the same day yearly, from one till four o'clock P. M. for five commissioners, an assessor and treasurer, all of whom shall be residents of Odessa. Four of said Commissioners and assessors shall be freeholders. The votes shall be received by the justice of the peace, oldest in commission in said town, at the Town Hall or other suitable place, and the result of the balloting shall be ascertained by the said justice, and two citizens of the said town, selected by himself, to assist in holding said election. At said election every person residing within the limits of said town having the right to vote at the general elections in this State, and who shall have paid the town tax last assessed to him, shall
Commissioners, assessor and treasurer.	
Officers at Election.	
Voters.	

OF CITIES AND TOWNS.

have the right to vote. And the said justice (hereby declared to be the Alderman of said town) and the two citizens aforesaid, shall be the judges of said election, and decide on the legality of the votes offered. Immediately after the election is closed the votes shall be counted, and the three commissioners having the highest number of votes shall be declared elected for two years, and until their successors be duly qualified, and the two commissioners having the next highest number of votes shall be declared elected for one year, and until their successors be duly qualified; and the persons having the highest number of votes, as such, shall be declared elected assessor and treasurer, and until their successors be duly qualified. In case of a tie vote for such commissioner, assessor or treasurer, voted for at said first election, the said justice and two citizens aforesaid shall decide by their ballots, who of those voted for shall be Commissioners for two years, and who for one year, and also who shall be assessor and who treasurer for one year, and until their successors be duly elected and qualified. The said justice and two citizens aforesaid shall not vote for Commissioners, assessor and treasurer, at the said first election, except in case of a tie vote, as herein provided. Immediately after such election, and all subsequent elections under this act, the person or persons under whose superintendence such election is held, shall enter in a book, provided for that purpose, a minute of the same, showing the name or names of the person or persons chosen commissioner or commissioners, also the names of the persons chosen assessor and treasurer, and shall subscribe the same, and give to each of the persons so elected written notice thereof. The book containing the minutes of such proceedings shall be kept by the Alderman, and shall be evidence at every election subsequent to the first herein provided for. There shall be elected in addition to an assessor and treasurer, two members of the town commissioners, (and on alternate years three members) of the town commissioners to serve for the term of two years as successors to the members whose terms of office shall at that time expire, and shall likewise elect to fill vacancies or unexpired terms occasioned by death, resignation, removal, or otherwise, of said commissioners. At all such subsequent elections the said Alderman and two citizens aforesaid, qualified in other respects, may vote for commissioners,

Judges of Election.

Election to be canvassed by.

Terms of Commissioners.

Tie vote.

Judges not to vote except to settle tie vote.

Minute of election.

Certificate of election.

Book to be kept by Alderman.

Successors.

Vacancies.

OF CITIES AND TOWNS.

- Absence of Justice of Peace election to be held by oldest Notary Public.** assessor and treasurer. That whenever there shall happen to be no Justice of the Peace residing in the town of Odessa, a Notary Public residing there (or if there be more than one, the oldest in commission) shall be, and he is hereby authorized to have and exercise all the powers conferred on the Justice of the Peace oldest in commission in said town, in and by this Section. Written or printed notice of all elections shall be posted by the said Justice of the Peace or Notary Public in three of the most public places in said town, at least ten days before the day of election.
- Notices of election.**
- Surveyor.** Section 2. That the commissioners first elected shall, within sixty days after notice of their election, employ a
- Plot.** surveyor, and cause to be surveyed and plotted the said town of Odessa, establishing boundary lines and marking and describing on said plots the streets, roads, lanes, alleys, or other passes, the ditches, water-courses, ponds of water and low grounds, and shall, when such services are performed, return said plot with proper description and explanation, under their hands or the hands of a majority of them, to the
- Recorded.** Recorder's office at New Castle, there to be recorded, and the original, as also the record, or certified copy thereof, shall be evidence. All the commissioners shall act, but a decision of a majority shall govern. The said Commissioners, also the surveyor, shall be severally sworn or affirmed to discharge their duties faithfully and impartially and according to the best of their skill and judgment, and the said return shall show this qualification was complied with. The Alderman may qualify said Commissioners and surveyor, or they
- Commissioners and Surveyor sworn.** may qualify each other, to the performance of their several duties.
- Oath, by whom administered.**
- Incorporation.** Section 3. That the commissioners hereby elected and their successors in office shall be a body politic and corporate, in fact and in law, by the name of the commissioners of Odessa, and shall have full power and capacity to sue and be sued by that name; they shall, in addition to the powers hereinbefore conferred, have power to regulate the streets, lanes, alleys, and sidewalks of said town, and may direct the latter, or such part thereof as they may determine, (under certain restrictions hereinafter mentioned) to be paved or otherwise improved, at the expense of the owner of the ground adjacent, and, on complaint of any citizen, to ex-
- Name.**
- Corporate powers.**
- Street paving.**

OF CITIES AND TOWNS.

amine any chimney, stove-pipe fixtures, or any other matter dangerous to the town, and if adjudged dangerous to require and compel it to be repaired or remedied; to prevent or remove nuisance therein; to prohibit the firing of guns or pistols, making of bonfires, or setting off of fire-works, or any dangerous sport or practice, and to prevent or suppress any noisy or turbulent assemblages, within the town, of any persons. They shall have the power to prevent swine, horses, goats, and geese from running at large within the limits of said town.

Nuisances.
Firing guns.
Bonfires, etc.

Swine.

Section 4. That there shall be four stated meetings of said commissioners in every year, namely: On the second Saturday in April, July, October and January, at which meetings they may pass and adopt all such ordinances and rules for the good government of the said town, the improvement of the streets, the paving or other improvement of the side walks, and all other matters relating to the said town, its policy, ornaments, improvements and general welfare as by said commissioners as may be deemed proper; Provided, the same be not repugnant to the Constitution or laws of this State or of the United States. By such ordinances they may impose fines, penalties and forfeitures, and provide for the collection of the same.

Stated
meetings.
When held.
Ordinances.

Proviso.

Fines, etc.

Section 5. That the Commissioners, at the first stated meeting in every year, (shall) determine the amount of tax to be raised in said town for that year, not exceeding six hundred dollars exclusive of the dog tax; and the assessor shall, within one month after his election, make a true, just and impartial valuation and assessment of all the real estate and assessable personal property within said town, and also an assessment of all male citizens residing in said town, above the age of twenty-one years, as well as those owning real estate in said town as those not owning real estate in said town, also to ascertain the number of dogs in said town and the owners or keepers of such dogs, assessing each dog to the owner or keeper thereof at fifty cents, and each female dog at one dollar, and each assessor shall forthwith, after such assessment, deliver to the commissioners for the time being a copy of such assessment, containing the names of all persons assessed, and the amount of their assessment, distinguishing the real and personal assessment of each. When

Taxes not to
exceed \$600
annually.

Assessment.

Assessment of
Dogs.

Copy of assess-
ment delivered
to Commis-
sioners.

OF CITIES AND TOWNS.

Notices.	the assessment is returned the commissioners shall give ten days' public notice of that fact, and they will sit together at a place and on a day to be by them designated, from one to four o'clock in the afternoon, to hear appeals from said assessment; they shall have power at such times to add to or lessen any assessment, except that of dogs, which shall always be fifty cents to each owner and keeper of a dog or dogs for each and every dog so owned or kept, and one dollar for every female dog so owned or kept. When the appeal day has passed, the commissioners shall, without delay, cause the assessment list to be transcribed, and the copy to be delivered to a collector, appointed by the commissioners, who shall thereupon collect from each taxable person the amount of his tax, and pay over the whole amount (after deducting commissions and such delinquencies as shall be allowed by the commissioners) to the treasurer by the first day of October next after the receipt of his duplicate. The collector shall have the same power for the collection of said taxes as are conferred by law on the collectors of county taxes. The collector and treasurer shall each give bond to the commissioners in such penalty as the said commissioners may prescribe for the proper discharge of their duties.
Appeals.	
May add to or lessen assessments.	
Duplicate of assessment to be delivered to Collector.	
Duty of Collector.	
Powers of Collector.	
Bonds of Officers.	
Commissioners to use money of town.	Section 6. That the Commissioners, or a majority of them shall have authority to use money in the treasury of the town for the general improvement, benefit and ornament of the said town, as they or a majority of them may deem advisable, but they shall not have the power to borrow money on the credit of the town, and no money shall be paid out by the treasurer, except on the written order of the commissioners or a majority of them.
No power to borrow.	
Treasurer to pay out money.	
Road Commissioners to appropriate \$300 for the streets of town.	Section 7. That the county treasurer and receiver of taxes of New Castle County is hereby authorized, directed and required to pay to the "Commissioners of Odessa" a sum not less than three hundred dollars (as provided by Chapter 279, Volume 21, Laws of Delaware) to be by them expended in repairing and maintaining in proper order, the roads, streets and bridges within the limits of said town. And the said town commissioners of Odessa shall have the sole supervision of said roads, streets and bridges; provided always, that the said town commissioners of Odessa shall in no case be required to repair or keep in order any roads, highways, or
Town Commissioners sole control of streets, etc. Proviso.	

OF CITIES AND TOWNS.

bridges subject to be supported by the County of New Castle.

Section 8. That upon the petition of seven or more freeholders of said town, praying that any street or portion thereof in said town shall be paved, the commissioners, or a majority of them, be and they are hereby required to direct, in writing, the owner or owners of every house or land in Odessa, along the street or portion thereof mentioned in said petition, to make and lay such pavement of bricks or smooth stone, of such width as may be specified in said petition, and if such owner or owners, proprietor or proprietors, shall neglect or refuse, after the space of ninety days, after being directed as aforesaid, to lay such pavement with good and sufficient curb or curbs, it shall and may be lawful for the said commissioners, and they or a majority of them are authorized and directed to make or cause to be made such pavements or curbs, or both, and to recover the costs of making and doing the same, by the distress and sale of any of the goods and chattels, lands and tenements belonging to such owner or owners, proprietor or proprietors, within the limits aforesaid: Provided always, that such lands and tenements shall not be sold absolutely, but only for such term of years, as will be sufficient to pay for said pavements, etc., with all costs, and provided that no person shall be compelled to lay a pavement exceeding four feet in width. If any pavements, sidewalks, ornamental or shade trees, or curbs, already made and planted, shall at any time by said commissioners, or a majority of them, be deemed insufficient, they, or a majority of them, shall have the power and they are hereby required to direct, in writing, the owner or owners, proprietor or proprietors thereof, to make good and sufficient the same, and upon neglect or refusal so to do for sixty days, the said commissioners, or a majority of them, shall cause the same to be done, and they shall recover the costs and expenses incurred therefor in the same manner as above provided in cases of new pavements, curbs, etc., etc.; Notice to one co-tenant or co-proprietor shall be notice to all, and in case no owner or proprietor shall reside in town, notice to the agent or tenant shall be deemed notice sufficient to such owner or proprietor. The said commissioners, or a majority of them, may cause such sidewalks or such portions thereof, remaining unpaved, to be covered with gravel, sand, or dirt,

Commissioners may direct paving done, when.

Commissioners may lay pavement, when.

Cost, by whom paid.

Proviso.

Proviso.

Re-pavement may be directed, when.

Commissioners may repave, when.

Notice, what sufficient.

Sidewalks to be covered with gravel, when.

OF CITIES AND TOWNS.

Flagstones at crossings. if they deem proper, and shall cause them to be put and kept in good order for the convenience of the citizens of the said town. They may cause flagstones to be put down at the crossings of the streets wherever they may think needful, the cost of which shall be defrayed out of the funds of the town.

Riots. Section 9. That it shall be the duty of the commissioners of Odessa, and of any justice of the peace and constable residing in said town, to suppress all riotous, turbulent or noisy assemblages or gatherings of persons, in the streets, lanes, or alleys of said town, after night, or at any other time, place, or season whatever, and for this purpose it shall be the duty of said constable, upon the requisition of any two of said commissioners, and without further warrant, forthwith to seize and arrest any such person or persons so offending, and arraign him, her or them before the alderman, or any justice of the peace residing in said town, and upon conviction before such alderman or justice (whose duty it shall be to hear and determine the case) shall be sentenced to pay a fine not exceeding ten dollars and costs, and such person or persons shall be deprived of holding any office of trust or profit, or of voting at any election provided for in this act and until such fines and costs be fully paid. Upon every conviction under this section, the alderman, or justice and constables, shall each be entitled to a fee of one dollar to be paid by the person convicted, and such person, in the discretion of said alderman or justice, may be committed to the common jail of New Castle County for a time not longer than sixty days.

Powers of Constable to arrest.

Fine and penalty.

Fees.

Commitment.

Officers refusing to act declared a misdemeanor. Section 10. That if the said alderman, or any justice of the peace or constable in said town, shall neglect or refuse, after acceptance of the case, charge, or trust, to do and perform any duty enjoined on him or them by this act faithfully and diligently, he or they shall be deemed guilty of a misdemeanor in office, whereupon it shall be the duty of the commissioners, or of any one of them, the assessor, or treasurer, to present him or them to the Grand Jury, and upon conviction he or they shall, in addition to the punishment which may be imposed by the court, forfeit his office and pay a fine of twenty dollars to the town treasurer for the use of the town. Such fine and all others that may be imposed under this act, may be collected before any justice of the peace in New Castle

Presentment to Grand Jury.

Forfeiture of office.

Fine.

How collected.

OF CITIES AND TOWNS.

County as debts of like amounts are by law collected with costs.

Section 11. That if any commissioner, or assessor, or treasurer, after having become qualified as such, shall neglect or refuse to perform the duties of such commissioner, assessor, or treasurer, and willfully absent himself without the consent of said board first had and obtained, he shall forfeit and pay, for the use of said town, the sum of ten dollars, and the same shall be recovered before any justice of the said town, with costs; fee to justice and constable shall be the same as under Section 9 of this act. Any commissioner, assessor, or treasurer, failing or neglecting to become qualified for the duties of his office on or before the first annual meeting (second Saturday in April), shall be passed by and his election declared void. And the said board shall appoint a suitable freeholder in said town who will serve and become qualified. The doings and acts of the board of commissioners under this section shall, as to resignations and supplying vacancies, be entered upon the book provided for such proceedings.

Liability of officers in refusing to act.

Fine, how recovered.

Fees of officers.

Vacancy.

How filled.

Minutes of Board.

Section 12. That the alderman, at the request of the commissioners, shall appoint a special constable to execute any of the duties required to be performed by the town constable, (he shall act in the discharge of such duties under a penalty of five dollars). The constable resident in said town shall be the town constable, who, with special constables, (not exceeding six in number, as may be named and appointed by the commissioners), shall constitute the police force of said town.

Special Constable.

Penalty for refusing to act.

Town Constable.

Police force.

Section 13. That this act shall be deemed and taken to be a public act, and shall be printed among the laws of this State.

Approved, April 3, A. D. 1905.

OF CITIES AND TOWNS.

CHAPTER 174.

OF CITIES AND TOWNS.

AN ACT to re-incorporate the Town of Townsend.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring):

Section 1. That the limits of the town of Townsend be and they are hereby established and declared to be as they are now established and constituted.

Commissioners	Section 2. That Thomas A. Enos, William A. Scott, Nathaniel W. Vanhorn, William C. Money and William E. Wright are hereby appointed commissioners of said town, and they and their successors in office, to be chosen as hereinafter provided, shall be a body politic and corporate, in fact and in law, by the name of the Commissioners of the Town of Townsend, and may sue and be sued by that name. They shall, in addition to the power hereinbefore conferred, have power to regulate the streets, alleys and sidewalks of said town, and may direct the latter, or such part thereof as they may determine, to be put in a safe and passable condition at the expense of the owners of the lands adjacent; Provided further, that there will be no compulsion for any one to pave their sidewalks for five (5) years from date of this Act; on complaint of any citizen to examine any chimney, stovepipe fixtures, or any other matter dangerous to the town, and if adjudged dangerous, to require and compel it to be repaired, remedied, or removed; to prevent or remove nuisances therein; to prohibit the firing of guns or pistols, the making of bonfires, or setting off fireworks, or any dangerous sport or practice in said town. The existence of the corporation hereby created shall be perpetual.
Incorporation.	
Name.	
Corporate powers.	
Proviso.	
Limit of width of paved sidewalks.	
Nuisances.	

Election of Commissioners when and where held.	Section 3. That the commissioners herein named shall continue in office until the first Saturday in May, A. D. 1905, on which day, in that year, there shall be held an election in said town of Townsend, at the school house, from 2
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OF CITIES AND TOWNS.

o'clock, P. M., until 4 o'clock, P. M., for the election of five commissioners; three of them for one year, and two for two years; and on the aforesaid first Saturday of May in every year thereafter to elect three or two commissioners, as the requirements may be; and three of the said commissioners shall be freeholders, but any married man, resident of said town, whose wife is a free holder of said town, may be considered eligible for the office. The said election may be held by the Justice of the Peace and two citizens, chosen by the people present entitled to a vote, who shall be judges of said election, and shall decide the legality of the votes offered. They shall receive the ballots, ascertain the result, and certify the same on the books of the commissioners. At such election every male and unmarried female taxable of said town, above the age of twenty-one years, and shall have paid the town tax last assessed to them, shall be entitled to a vote; and it is further provided that, if so preferred, the female taxable can vote by proxy. The commissioners elected in the year of 1887, and every year thereafter, to hold their office for the term of two years; and if any vacancies shall occur in said board of commissioners by death, resignation, or refusal to serve or otherwise of any member thereof, the remaining commissioners shall have the power to fill such vacancy or vacancies.

Terms of office.

Qualifications of Commissioners.

Election, by whom held.

Electors, qualifications.

Females may vote by proxy.

Vacancies, how filled.

Section 4. That there shall be four stated meetings in every year of the said commissioners, viz: On the third Monday in May and the third Monday of September, December and March, at which meetings they may pass all such ordinances or rules for the good government of the said town, the improvement of the street, the repairs of all trunks or watercourses, the planting and protecting of ornamental trees, and for all other matters relating to the general welfare of said town as said commissioners may deem proper; provided the same be not repugnant to the constitution and laws of the State and of the United States. By such ordinances they may impose fines, penalties and forfeitures, and provide for their collection; also, the president shall, at the request of two or more commissioners, call a special meeting of the commissioners whenever they may deem such meetings necessary, and at such meetings they shall have the right to transact any business that they may have power to transact

Stated meetings when held.

Powers and duties relating to streets, etc.

Proviso.

May impose fines, etc.

Special meetings.

OF CITIES AND TOWNS.

President, his election.
Duties.

at regular meetings. The said commissioners shall, at their first meeting after the election, elect one of their number as president of said board, whose duty it shall be to preside at the meetings of council, have the general supervision of all streets in said town and of the persons who may be employed by the town commissioners, receive complaints of nuisances, and other complaints of citizens of violation of the laws and ordinances and present the same to the commissioners at their first meeting for action, and violation or infractions of the laws or ordinances as require immediate action to cause the same to be proceeded on before the alderman. He shall sign all warrants on the treasurer for the payment of any money, and shall perform such other duties as may be prescribed by any ordinance or ordinances of the town commissioners. And if any one, after being duly elected commissioner, shall refuse to serve, he shall be fined the sum of five dollars, and the said be recovered before any Justice of the Peace of the County of New Castle, with costs.

Refusal of Commissioners to serve.

Amount of taxes determined.
Limit of taxation.
Assessor.

Section 5. That the commissioners herein named and their successors in office shall at their first stated meeting in every year, determine the amount of tax to be raised on said town for that year, not exceeding four hundred dollars, including tax on real and personal property, poll tax and tax on dogs not included; and they shall appoint an assessor, who may or may not be of their number, to make an assessment of persons and property in said town, and shall also appoint a collector and treasurer. It shall be the duty of the assessor of said town, within two weeks from his appointment, to make a true, just and impartial valuation and assessment of all the real estate and assessable personal property within said town, and also an assessment of all male citizens residing in said town above the age of twenty-one years, as well as those owning real estate as those not owning such estate within its limits, at Fifty cents per head, and also to ascertain the number of dogs within said town, and assess the owner or keeper of a dog or dogs, fifty cents for first male dog, and one dollar for each and every additional dog. And the said assessor shall forthwith, after making such assessment, deliver to the commissioners for the time being a duplicate containing the names of all persons assessed and the amount of

Collector and Treasurer.
Duties of Assessor.
Assessment.
Tax on dogs.
Assessor to deliver duplicate assessment to Commissioners.

OF CITIES AND TOWNS.

assessment distinguishing the real and personal assessment of each.

The compensation of said assessor shall be Five Dollars for his services. When the assessment is returned, the commissioners shall give five days public notice of the fact, and they will sit together at a certain place and on a certain day, to be designated by them, from five to seven o'clock in the afternoon, to hear appeals from said assessment. They shall have power on such day to add to or decrease any assessment except that of dogs and poll, which shall always remain at the figures above stated. When the appeal day is past, they shall, without delay, cause the assessemnt list to be transcribed and the transcript to be delivered to the collector, who shall thereupon collect from each taxable his proportion of the tax laid and pay over the whole amount, deducting commissions and delinquencies, (which shall be allowed by the commissioners), to the treasurer by the first day of February next after the receipt of his duplicate. The collector shall have the same power for the collection of said taxes as are conferred by law on the collector of county taxes. Provided further, that any manufacturing interests that may start in said town shall be exempt from all town tax for ten years.

Compensation
of Assessor.

Notice of as-
essment when
and where
posted.

Appeals.

Duties of
Collector.

Powers of
Collector.

Manufacturing
industries ex-
empt for 10
years.

Section 6. That the commissioners, or a majority of them, shall have authority to employ and use the money in the treasury of the town for the general improvement, benefit and ornament of the said town, as they may deem advisable, and all money paid out by the treasurer shall be paid upon the order of the commissioners, or a majority of them.

Expenditures
by Commis-
sioners.

Section 7. That the Road Commissioners of Appoquinimink Hundred shall annually appropriate for the repair of the roads and streets of said town a sum of money not less than four hundred dollars, and shall be paid by the County Treasurer to the treasurer of the town of Townsend, for the use of said town, the town commissioners shall render to the road commissioners an account of how the said money was expended.

Road Com-
missioners di-
rected to
appropriate
money for
roads in town.
Amount.

Account
rendered.

Section 8. The commissioners shall appoint an alderman and a town constable.

Alderman.
Constable.

Section 9. That it shall be the duty of the alderman of said town and of the town constable to suppress all riotous,

Duties of
Alderman.

OF CITIES AND TOWNS.

turbulent, disorderly, or noisy assemblages or gatherings of persons in or at any building used for any fair, festival, concert, or any other social, literary, or religious meeting, or any entertainment whatsoever, or in the streets, lanes or alleys of said town, at any time or season whatever, to prevent all gatherings whatever which may obstruct or interfere with the free use of the streets, lanes, alleys, or sidewalks; and for this purpose it shall be the duty of said constable to seize and arrest any such persons so offending and take them or him before the alderman of said town, whose duty it shall be to hear and determine the case, and upon conviction before him the alderman shall sentence any such person so convicted to pay a fine not exceeding ten dollars, and may commit the party or parties to prison for a period not exceeding thirty days, or until the said fines and costs shall be paid. It shall be the duty of the alderman of said town, upon complaint made before him of any such riotous, turbulent or noisy assemblages or gatherings as aforesaid, to issue his warrant to the constable aforesaid, commanding him to arrest and bring any such person so offending as aforesaid before him for trial. It shall be the duty of the constable aforesaid to arrest any drunken or disorderly person they may see on the streets of said town and take such person so arrested before the alderman of said town, who shall proceed forthwith to hear and determine the case, and upon conviction before him he shall sentence such person in the same manner and to the same punishment provided in this Section for the punishment of persons brought before him for the offenses in this Section first enumerated. If, upon view of the person or persons who may be brought before the alderman of said town for violation of this Section, it shall appear to the alderman that in his judgment such person or persons are not in a condition to be heard and tried, he may use his own discretion in fixing or appointing a time for trial of all such person or persons brought before him for violating this Section. The fee to the alderman of said town for the trial of any cause under this Section shall be fifty cents, and to the constable making the arrest fifty cents. And in all cases of fees for the alderman and constable not herein provided for they shall be entitled to receive the same fees as are specified by law to be paid to Justices of the Peace and constable in like cases.

Punishment
for certain
offenses.

Fines.

Imprisonment.

Further duties
of Alderman
on complaints.

Arrest of
drunken or
disorderly
person.

Hearing may
be continued.

Fees of Alderman
and
Constable.

OF CITIES AND TOWNS.

Section 10. That this Act shall be deemed and be taken to be a public Act, and shall be printed among the laws of this State.

Approved, April 3, A. D. 1905.

CHAPTER 175.

OF CITIES AND TOWNS.

AN ACT to amend Section 2, Chapter 642, Volume 18, Laws of Delaware, entitled "An Act to re-incorporate the Town of Camden," passed at Dover, March 6, 1889, by increasing the amount of taxes which may be raised by the Town Commissioners.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each House of the General Assembly concurring therein):

Section 1. That Chapter 642, Volume 18, Laws of Delaware, entitled "An Act to Re-incorporate the Town of Camden", passed March 6, 1889, be and the same is hereby amended by the striking out the words "six hundred" in the third line of Section 2 of said Act, and inserting in lieu thereof the words "one thousand."

Chapter 642,
Volume 18,
amended
increasing
amount of tax
to be raised.

Approved, March 2, A. D. 1905.

OF CITIES AND TOWNS.

CHAPTER 176.

OF CITIES AND TOWNS.

AN ACT to amend Chapter 746, Vol. 19 of the Laws of Delaware, entitled, An Act to re-incorporate the Town of Dover, as the same was amended by Chapter 98 of Vol. 21 of the Laws of Delaware; providing for a change of the amount of taxation now raised under the Charter of said Town.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each branch of the Legislature concurring therein):

Chapter 746,
Volume 19,
Chapter 98,
Volume 21,
amended,
increasing
amount of tax.

Section 1. That Section 24 of Chapter 746 of Vol. 19 of the Laws of Delaware, as the same was amended by Chapter 98 of Vol. 21 of the Laws of Delaware be and the same is hereby amended by striking out in line six of said section the word "Five" which was inserted by virtue of said amendment and inserting in lieu thereof, the word "Eight".

Approved, March 20, A. D. 1905.

OF CITIES AND TOWNS.

CHAPTER 177.

OF CITIES AND TOWNS.

AN ACT authorizing the Town Council of the Town of Dover to fund its indebtedness incurred in the enlargement and improvement of its Light and Water Plant by issuing bonds for Twelve Thousand Dollars.

Whereas the Town Council of the Town of Dover did Preamble.
during the year 1904 enlarge and improve the Light and Water Plant of the said Town and the equipment thereof, and did issue two certificates of indebtednesses of said Town for Six thousand dollars each dated July seventh 1904 to pay therefor which said certificates of indebtedness are outstanding and unpaid;

And Whereas it is desired to fund the debt represented by Preamble.
said certificates by the issuance of bonds of said Town,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of all the members elected to each branch of the Legislature concurring therein):

Section 1. That the Town Council of the Town of Dover is hereby authorized and empowered to borrow on the credit of said Town a sum of money not exceeding twelve thousand dollars to be used for the redemption of the said certificates of indebtedness issued by said Town Council for the purpose of paying for the enlargement and improvement of the Light and Water Plant of the said Town of Dover and the equipment thereof. Empowered to borrow money, for what purpose.

Section 2. That the Town Council of the town of Dover for the purpose set forth in "Section 1 of this Act, shall have full power and authority to issue Bonds of the Town of Dover to be known as "Dover Electric Light and Water Improvement Bonds", to an amount not exceeding the said sum of Twelve Thousand Dollars (\$12,000). May issue bonds.

Section 3. The denomination of said Bonds shall be the Denomination.
sum of One Thousand Dollars (\$1,000) each, and shall be

OF CITIES AND TOWNS.

- Rate of interest.** numbered from one to twelve inclusive, and shall bear interest at the rate of Four per centum (4 per centum) per annum, payable on the first days of January and July in each and every year, at the Farmers' Bank of the State of Delaware, at Dover, on the presentation of the coupons attached to such Bonds representing said semi-annual interest.
- Where payable.**
- Date of bonds.** Section 4. The said Bonds shall bear date on the first day of July, 1905; and the principal thereof shall be payable at The Farmers' Bank of the State of Delaware, at Dover at the expiration of Twelve years from such date, but the said Bonds, or any number thereof, may be redeemed at the option of the Town Council of the said town after the expiration of five years from date of the same: Provided however, That if the Town Council of the town of Dover, shall at any time after the expiration of five years from the date of said Bonds elect to redeem any of such Bonds, such redemption shall be made on the first day of January or July, and in pursuance of a notice signed by the President of the Town Council of the town of Dover and by the Treasurer of the said Town of Dover, published for the space of thirty days in one newspaper published in the City of Wilmington, in this State; one newspaper published in the town of Dover in this State; and one newspaper published in the town of Georgetown in this State; such notice shall indicate the Bonds called, and in making such calls the Town Council shall call the Bonds according to their number, beginning with the lowest number; and the interest on the said bonds shall cease from the date named in any of said calls for redemption.
- When payable.**
- When may be redeemed.**
- Proviso.**
- Preparation of bonds.** Section 5. The Town Council of the town of Dover shall direct and effect the preparation, printing and sale of said Bonds authorized by this Act, at such time or times and on such terms as they may deem expedient, but that all the monies arising from such sale shall be applied to carry into effect the provisions of this Act.
- Form of bonds.** Section 6. The form of said Bonds with the coupons thereto attached shall be prescribed by the Town Council of the Town of Dover, and said Bonds shall be signed by the President of the Town Council of the Town of Dover and by the Treasurer of the said Town, and sealed with the Corporate Seal of the said Corporation, and shall be exempt from
- How executed.**

OF CITIES AND TOWNS.

State, County and Municipal taxation. As said Bonds and coupons thereto attached, shall be paid the same shall be cancelled as the said Town Council shall direct.

Exempt from
taxation.

Cancellation.

Section 7. That the said Town Council of the Town of Dover is hereby authorized and required to levy and raise by taxation in each year upon all the assessable Real Estate in said Town a sum of money sufficient to pay all interest accruing on said bonds or any of them, whilst any of said bonds shall remain unpaid; and the said Town Council is further authorized and empowered to levy and raise by taxation from time to time such sum or sums as said Council shall deem proper to establish a sinking fund adequate for the redemption of said bonds at or before their maturity, said taxes shall be in excess of, and in addition to the sum or amount authorized to be raised by the said Council by any other Act; and shall be levied and raised upon assessable Real Estate in said Town.

Council directed to increase
taxation.

Sinking fund.

Section 8. That the faith of the Town of Dover is hereby pledged for the payment of any bonds that may be issued under the provisions of this Act.

Faith of town
pledged.

Approved, March 20, A. D. 1905.

OF CITIES AND TOWNS.

CHAPTER 178.

OF CITIES AND TOWNS.

AN ACT to further amend Section 7 of Chapter 480 of Volume 13 of the Laws of Delaware, entitled "An Act to incorporate the Town of Harrington" as amended by Chapter 203 of Volume 20 of the Laws of Delaware and as further amended by Chapter 180 of Volume 22 of the Laws of Delaware, by increasing the amount allowed to be raised by taxation.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all of the members elected to each branch of the Legislature concurring therein):

Chapter 480
Volume 13,
Chapter 203
Volume 20,
Chapter 180;
Volume 22,
amended,
increasing the
amount of
taxation.

Section 1. That Section 7 of Chapter 480 of Volume 13 of the Laws of Delaware, entitled "An Act to Incorporate the Town of Harrington" as amended by Chapter 203 of Volume 20 of the Laws of Delaware and as further amended by Chapter 180 of Volume 22 of the Laws of Delaware so that the words "five hundred" in line four thereof were replaced by the words "one thousand" be and the same is hereby amended by striking out the words "one thousand" in said line four of Section 7 and inserting in lieu thereof the words "Sixteen hundred."

Approved, March 21, A. D. 1905.

OF CITIES AND TOWNS.

CHAPTER 179.

OF CITIES AND TOWNS.

AN ACT to amend an Act entitled "An Act providing for protection against fire to the town of Harrington," being Chapter 427 of Volume 22 of the Laws of Delaware and providing for an additional tax for the purchase and care of fire apparatus for said town of Harrington.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of the members elected to each branch of the Legislature concurring therein):

Section 1. That an Act entitled "An Act providing for protection against fire to the town of Harrington," approved, March 31st, 1903 and being Chapter 427 of Volume 22 of the Laws of Delaware be amended by striking out the whole of said Act after the enacting clause and inserting in lieu thereof the following, viz:—

Chapter 427,
Volume 22,
amended.

Section 1. That immediately upon the approval of this Act by the Governor it shall be the duty of the Commissioners of the town of Harrington to make a true, just and impartial valuation of all real estate within said town of Harrington, having improvements thereon, and to assess, levy and collect from the owners of said improved real estate a special tax, not to exceed the sum of Sixteen hundred dollars; provided that whatever amount, or sum of money was formerly levied and collected under the provisions of said Chapter 427 of Volume 22, to which this Act is an amendment, shall be taken and considered as a part of said sum of Sixteen hundred dollars, and that any such owner of improved real estate in said town of Harrington who has paid the whole, or any part of the amount, or sum of money which was assessed to him, or her, under said Chapter 427, Volume 22 shall be credited with the amount, or sum of money so paid by him, or her under such original assessment as a payment on account of the respective amounts to be assessed and levied and collected hereunder.

Special
assessment.

Levy of tax not
to exceed
\$1600.

Proviso.

OF CITIES AND TOWNS.

Commissioners authorized with said funds to purchase fire apparatus.

Section 2. That the said Commissioners of the town of Harrington are hereby authorized, empowered and directed to purchase with the aforesaid sum of money to be assessed, levied and collected hereunder such hose, hose carriages, and other instruments, machines, apparatus and appliances for use in the suppression, fighting and extinguishing of fire in the said town of Harrington as to them may seem expedient, to pay for such of the same as may have heretofore been purchased and to provide for its proper care and maintenance.

Notice to be given after assessment.

Section 3. That immediately upon the completion of the assessed valuation above provided for the said commissioners of the town of Harrington shall give public notice, for at least five days in five of the most public places in said town of Harrington stating that such assessment has been completed and that said commissioners will sit at such time, or times, place, or places in said town as shall be specified therein to hear appeals from said assessment and to rectify omissions or errors in the same.

Appeals.

Payment of tax before May 31st allowed abatement.

Section 4. That all persons assessed under this Act who shall pay their assessment to the said Commissioners on or before the thirty-first day of May A. D. 1905 shall be allowed a discount of eight per cent (8 per cent) upon the gross amount so assessed to them and collectable from them.

Collector of such taxes.

Section 5. That on the first day of June A. D. 1905 the said commissioners of the town of Harrington shall appoint a collector to collect and receive all moneys hereby authorized to be assessed and levied which shall not have been paid to the said town commissioners by the said 31st day of May A. D. 1905; the collector appointed hereunder shall have all of the authority of a collector of County and School taxes for the collection of said money.

Powers of such Collector.

Bond.

Before entering upon the performance of his duties the said collector shall give bond with sufficient surety to "The Commissioners of the town of Harrington," to be approved by said commissioners, in a penal sum of double the amount to be collected by him; the said collector shall receive eight per cent (8 per cent) upon the amount collected by him; or such other amount as the said commissioners shall agree to allow him as compensation for his services.

Compensation.

OF CITIES AND TOWNS.

Section 6. That immediately upon the approval of this Act by the Governor, it shall be the duty of the commissioners appointed under said Chapter 427 of Volume 22 of the Laws of Delaware to turn over to the said commissioners of the town of Harrington an accurate account of all moneys collected by said commissioners, or by the collector appointed by them, and from whom collected as well as such moneys, if any, that may still remain unexpended and in the hands of the said commission or their said collector.

Old Commissioners to account to Commissioners of town and turn over balance in hand.

Approved, March 21, A. D. 1905.

CHAPTER 180.

OF CITIES AND TOWNS.

AN ACT to amend Chapter 176, Volume 18, Laws of Delaware, entitled "An Act to incorporate the Town of Kenton" passed April 22, 1877, by increasing the powers of the Town Collector.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each House concurring therein):

Section 1. That Chapter 176, Volume 18, Laws of Delaware, entitled "An Act to Incorporate the Town of Kenton", be and the same is hereby amended by adding after the word "taxes" in the last line of Section 4 of said Act the following "and in addition to said power it shall and may be lawful for the said Collector after demand made by him for the payment of the tax assessed against any inhabitant of the Town for which he is collector, and the failure of said taxable to pay the same on said demand and to give written notice to any person residing in Kent County whom he may suppose to have in his possession any goods or chattels, rights or credits, moneys or wages belonging or owing to said taxable, stating the amount of taxes due from said delinquent taxable, and if

Chapter 176, Volume 18, amended by increasing powers of town Collector.

Collector may attach.

OF CITIES AND TOWNS.

Refusal to answer, mode of procedure.

the person so served with notice shall fail to deliver up such goods and chattels or to pay so much money or wages in his possession as shall satisfy said Town tax due from said delinquent, said Collector may proceed by suit in the name of the Town Commissioners of the Town of Kenton before any Justice of the Peace in and for said County against any person so notified as aforesaid and recover against him, her or them a judgment for the amount of said tax of said delinquent with costs or for so much of said tax as may be equal to the value of the goods and chattels, rights and credits, moneys and wages in his, her or their hands or possession at the time of service of said notice, or at any time between then and the rendition of said judgment. The process, mode of trial, right of appeal and form of proceeding shall be as prescribed in Chapter 99 of the Revised Statutes of this State. The oath of the Collector shall be sufficient evidence of the demand and refusal of the aforesaid and of service of said notice."

Approved, April 3, A. D. 1905.

OF CITIES AND TOWNS.

CHAPTER 181.

OF CITIES AND TOWNS.

AN ACT to enable the Town of Smyrna to refund Certain Bonds.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, two-thirds of each branch concurring:

Section 1. That Whereas, by an act entitled "An Act to allow the Commissioners of the Town of Smyrna to issue Bonds for certain purposes," passed at Dover March 16th, A. D. 1885, and by another act entitled "An Act to authorize the Town Commissioners of the Town of Smyrna to construct Drains and Sewers for draining said Town, and also to establish an Electric Light Plant for lighting the same, and to provide the necessary funds therefore," passed at Dover April 24th, A. D. 1893, the said Commissioners of the said Town were authorized to issue Bonds amounting in the aggregate to the sum of Forty Five Thousand Dollars, and whereas it is now proposed to refund such of the said Bonds thus authorized to be issued as still remain outstanding and obligatory upon the said Town; the Council of the Town of Smyrna be, and they are hereby authorized and empowered to borrow, upon the credit of said Town, a sum of money not exceeding Thirty Four Thousand Dollars, and to issue, for that purpose, Bonds of the said Town not exceeding in the aggregate Thirty Four Thousand Dollars, of such denominations as the said Council may determine upon, which said Bonds shall be dated on the first day of July in the year in which they are issued, and be numbered consecutively commencing with number one, and shall bear interest from and after their date at a rate of interest not exceeding four per cent per annum, payable semi-annually on the first day of January and the first day of July, in each year while they remain unpaid, at the Fruit Growers National Bank of the Town of Smyrna, on presentation of the coupons representing said semi-annual interest, each semi-annual installment of interest being represented by the coupons attached to said

Electric Light
and Sewer
Bonds to be
refunded.

Authorized to
borrow money
to refund
Bonds.

Rate of interest

Coupons,
when payable.

OF CITIES AND TOWNS.

Bonds, where payable.	Bonds. And said Bonds shall be due and payable at the Fruit Growers National Bank of the Town of Smyrna on the first day of July in the year of our Lord nineteen hundred and twenty-five, but may be redeemed and paid at the option of the Council of the said Town at any time after the first day of July in the year A. D. 1910, provided, however, that if the said Council of the Town of Smyrna elect to redeem any of the said Bonds now herein authorized to be issued according to these terms, such redemption shall be effected either on the first day of January or the first day of July, and in pursuance of notice signed by the President of the said Council of the Town of Smyrna, and the Treasurer of said Town, published for the space of thirty days in one newspaper published in the City of Wilmington, one published in the Town of Smyrna and one published in the Town of Georgetown, in this State, and for the space of one week in one published in the City of Philadelphia in the State of Pennsylvania; which said notice shall indicate by their numbers the Bonds called, and in making the calls the said Council shall call the Bonds according to their number, beginning with the lowest number, and interest upon all Bonds so called shall cease from and after the date named for their redemption; but no Bond may be called in and redeemed, as herein immediately above provided, before the first day of July A. D. 1925 unless it contains, and there shall appear in the body of said Bond, the words "Redeemable at the option of the Council of the Town of Smyrna at any time after the first day of July A. D. 1910."
When redeemable.	
Proviso.	
How may be redeemed earlier.	
Preparation of Bonds.	Section 2. That the Council of the Town of Smyrna shall direct and effect the preparation, printing, and sale of Bonds by this Act authorized to be issued, at such time or times and upon such terms as they may deem expedient. But all the money, the proceeds of such sale, shall be used and applied to the redemption and payment of the present bonded debt of the Town of Smyrna—to wit—such of the Bonds issued under the two Acts cited in Sec. 1 of this Act as may still remain unpaid and outstanding at the time of the issue by the Council of said Town, of Bonds authorized by this Act, and for no other purpose until after such redemption and payment shall have been completed.
Funds to be used in redeeming present issue.	
Form of bond.	Section 3. The form of said Bonds shall be prescribed by said Council, and shall be signed by the President of said

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Council and by the Treasurer of said Town, and shall be sealed with the corporate seal of said Town, and shall be exempt from all State, County and Municipal taxation of this State, or any section thereof. As the said Bonds and said Coupons herein authorized to be issued are paid, the same shall be cancelled in such manner as said Council shall direct, and a record of such cancellation, noting the respective numbers of the Bonds cancelled, shall be made upon the Minutes of the proceedings of the said Council.

How executed.

Cancellation of bonds and coupons.

Section 4. That the faith of the said Town of Smyrna is hereby pledged for the payment of all bonds issued under the provisions of this Act.

Faith of town pledged.

Section 5. That this Act shall be deemed and taken to be a public Act.

Approved, March 16, A. D. 1905.

OF CITIES AND TOWNS.

CHAPTER 182.

OF CITIES AND TOWNS.

AN ACT to re-incorporate the Town of Wyoming.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each House of the General Assembly concurring therein):

Commissioners	Section 1. There shall be five Commissioners of the town of Wyoming, all of whom shall be residents therein (three of whom at least shall be freeholders in said town). The present Commissioners of the town of Wyoming shall hold their
Terms of present Commissioners.	offices for the residue of the term for which they have been previously elected. On the first Monday in March next following the approval of this Act, and on the first Monday in
Election.	March annually thereafter, there shall be held an election at some suitable place in said town to be selected by the Commissioners from 2 till 4 o'clock P. M. for the purpose of
Terms of Commissioners to be hereafter elected.	choosing by ballot, commissioners for said town and at the election to be held on the said first Monday in March following the approval of this Act, three Commissioners shall be
Vacancies.	chosen, one for one year and two for three years; at each and every election to be held annually thereafter there shall be
Qualification of electors.	chosen for the term of three years, a Commissioner or Commissioners in the place or places of the Commissioner or Commissioners whose term or terms of office shall then expire and shall likewise elect to supply vacancies of unexpired
May vote by proxy.	terms occasioned by death, resignation, removal beyond the town limits or otherwise. All male citizens and every taxable
Notice of election.	feme sole therein, being twenty-one years of age and upwards, and having paid all town taxes assessed against them are hereby privileged to vote at all town elections in person or by proxy. All elections shall be duly advertised by notices posted in 5 of the most public places in said town at least
	5 days previous to the day of holding the same, stating the place, day and hour of such election and such notices signed by any one of the commissioners, or by the town clerk by

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authority of said commissioners, or any one of them, shall be sufficient.

The commissioners, or a majority of them, shall as soon after all elections as conveniently may be, appoint an Alderman, Town Constable, Assessor, Treasurer, and such other officers as they may deem necessary to serve for the term of one year each, and until their successors be duly appointed and qualified. The Commissioners, Alderman, Town Constable, Assessor and Treasurer shall severally be sworn or affirmed to the faithful and impartial performance of their respective duties and undertakings according to the best of their skill and judgment, respectively.

Alderman and other officers.

Officers sworn.

The said commissioners may qualify each other and the several officers appointed by them, and any and all other persons when necessary by administering a proper oath or affirmation suited to the case. The certificates of such qualifications shall, after being duly administered as aforesaid, be recorded in a town book procured by the commissioners for that and other purposes, stating the names, time and for what purposes such persons are so qualified, and shall be subscribed by the person administering such oath or affirmation, and the same shall be evidence in all cases.

Oath, by whom administered.

Record of same.

The said treasurer shall be the receiver and collector of all taxes and all other moneys due or belonging to said town, and subject to be drawn upon at any time by the commissioners or a majority of them for the uses of said town, and such orders so drawn when fully paid by the said treasurer shall be to him a sufficient voucher pro tanto for all payments so made. The said treasurer, if required, shall give to the commissioners, or a majority of them, bond and security sufficient in amount, conditioned for the faithful performance of all and every his duties and undertakings, and the payment and delivery to his successor when duly installed and qualified of all moneys, books, papers, and other things or effects in his care and keeping, or with which he may properly be chargeable. The assessor, treasurer and town clerk shall receive a reasonable compensation for their respective services to be allowed by the commissioners, but no allowances shall be made for personal services rendered in conducting any election.

Treasurer, duty of.

Treasurer's Bond.

Compensation of officers.

OF CITIES AND TOWNS.

Incorporation. Section 2. That the present Commissioners of the town of Wyoming and such other persons as may hereafter be chosen Commissioners for said town, be and they are hereby created a body politic and corporate in law, and they and their successors shall be able to sue and be sued, plead and be impleaded in all courts of this State by the corporate name of

Name. "The Commissioners of Wyoming", and may purchase, take, hold and enjoy lands and tenements in fee or for other estate, and also goods, chattels, rights and credits, and may alien,

Powers. grant, sell, bargain and convey the same or any part thereof as they or a majority of them may deem proper, and may do any and all other acts which a corporation may or can lawfully do so as fully and effectually to carry into operation and secure the aim and purposes of this act.

Limits of town. Section 3. That the bounds and limits of the said "Town of Wyoming" shall be as follows: Commencing on the north side of the public road leading from Camden to Kent County Almshouse where the western boundary line of lands of Joseph Jenkins touches said road, and running thence with said western boundary line in a northly direction to the run of a branch; thence with the run of said branch and the middle of channel of an arm of Robert J. Lindale's mill pond to a point in the middle of the mouth of said arm of said mill pond where said arm of said pond joins the main body of said mill pond; thence by a right line crossing said mill pond a short distance above the mill dam to a point on the north side of said mill pond near the entrance to Robert J. Lindale's mill race; thence along the north side of said mill race and the lines dividing Robert J. Lindale's mill property from lands of Daniel P. Barnard, now of Cora L. Paige, until arriving at the public road leading from Wyoming to the Dover and Hazlettville road; thence along the west side or border of the last aforesaid road until arriving at a point in the centre of Lindale's mill stream; thence with said mill stream following the several meanderings thereof in the direction of the Howell mill pond to a point in the headwaters of said Howell mill pond in range with the eastern boundary line of lands now or late of William Platt's formerly lands of William B. Harris; thence with said eastern boundary line or lines to the public road leading from Wyoming; to the Camden and Dover Road; thence along the north side border of

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the last aforesaid road in the direction of Wyoming until arriving at a point in range with the eastern boundary line of lands now or late of Samuel Lewis; thence crossing the last aforesaid road and following the said eastern boundary line of said lands now or late of Samuel Lewis to another public road or street leading eastward into Camden and called "Center Street"; thence along the north or border of the last corner of lands now or late of said Samuel Lewis; thence in a Southwesterly direction along the east side or border of a public road, being along and upon a thorn hedge which aforesaid road in the direction of Wyoming to the southwest forms the western inclosure of lands formerly of Prince N. Coldwell, deceased, until arriving at a point on the south side of a public road leading direct from Wyoming into Camden; thence along the South side of the last aforesaid road to a point therein in range with the eastern boundary line of lands formerly of John Wesley Jackson; thence running in a northerly direction crossing the road leading thence to Kent County Almshouse to a point on the opposite side of said road where the roads thence to Wyoming and to Kent County Almshouse intersect; thence running along the northwest and north side or border of the road leading to said almshouse until arriving at the place of beginning. The commissioners of the said town of Wyoming or a majority of them may at any convenient time cause a survey and plot of the said town to be made showing the boundaries thereof, the roads, streets, avenues, ditches and waterways therein, and the widths of all the said ways named in fact from the curbing or border of the one side to the other thereof, and also the width of the several sidewalks thereof, so far as they shall deem proper, and the said plot when completed and adopted by the commissioners shall be recorded or otherwise folded in the proper town book, and all the said ways so marked as aforesaid shall, when so recorded or folded in said town book, be deemed and taken as the public roads, streets, avenues and ways of said town, and be thence worked, improved and controlled exclusively by said commissioners, and the said commissioners in directing the survey and plotting the said town, may if they shall deem any of the streets, avenues or lanes and ways already opened and used unnecessary, or unreasonably burdensome and expensive, to vacate the same or any part or parts thereof, in which case the same

Survey and
plot.

Recorded
when.

May vacate cer-
tain streets, etc.

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shall not be marked and represented on said plot except by dotted lines and the word "vacated" thereon marked on which vacated ways no part of the town moneys shall be expended for any purposes whatsoever.

Appropriation
by Levy Court.

Section 4. That on the approval of this act, the Levy Court of Kent County shall for the present year, 1905, and yearly thereafter, appropriate a sum of money not less than two hundred dollars, and shall make an order for the payment of the same to the commissioners of said town to be by them expended on the roads, streets and avenues thereof, and said commissioners shall annually account to said Levy Court for the money so appropriated in the same manner as overseers of public roads are required to account.

Authorized to
open new
streets.

Section 5. That the commissioners or a majority of them, when they shall deem necessary for public convenience are hereby authorized and empowered to locate, lay out, open and make any new road, street, lane, avenues, side-walk, ditch or water-drain within said town, allowing to the several owners or holders of any lands effected thereby, such just and reasonable compensation as they or a majority of them shall deem just and proper, having due regard for all benefits and injuries, public and private consequent thereupon, and any and all awards or allowances for any lands so taken or appropriated for public uses as aforesaid shall be well, duly and fully paid to the person or persons severally entitled thereto before the same or any part thereof, shall be so taken and appropriated to public uses.

Compensation
for taking
lands.

Appeal from
award.

Section 6. That if any owner or holder of and lands affected by any doings or proceedings under Section 5 of this act shall feel aggrieved or be dissatisfied therewith, he, she or they may within ten days after the awards of the commissioners under said Section 5, appeal therefrom; and in order to prosecute such appeal shall within said ten days apply to the alderman of said town or to the nearest justice of the peace in Kent County who shall thereupon select and write down on a list the names of nine impartial freeholders of said county, four of whom shall be residents of said town, and five of whom shall reside without the limits of said town, and thereupon give immediate notice to the commissioners of his doings and the purposes thereof and of the place, day and

Appeal Board,
how chosen.

OF CITIES AND TOWNS.

hour, not exceeding ten days from the day of such notice, when the commissioners and the appellants or some of them in the name and behalf of all of them, appellants and respondents, shall appear before said alderman or justice, where and when the respondents shall strike out one of the names selected by the said alderman or justice and the appellants shall strike out one other of said names, and so on alternately until four of said names shall have been stricken out, and such striking of names shall be so confined and regulated as to leave two of the remaining names residents of said town and three of them residing within said town limits who shall be constituted a final "Appeal Board" with plenary power and authority to settle and determine any and all matters in controversy between the appellants and respondents. In case the said appellants or respondents or any of them shall fail, neglect or refuse to be and appear before the said alderman or justice, or appearing, fail, neglect or refuse to act in his, her or their behalf, then it shall be lawful for the said alderman or justice without further delay to name and select such person or persons as he may think proper to act for and on behalf of such defaulting person or persons in the manner aforesaid so as to secure such "Appeal Board". Any party, appellant or respondent, or any one person of either of them may at any time within fifteen days of the time of securing such "Appeal Board" and upon due notice to all other persons concerned in interest or duty, call out the said "Appeal Board" who after being first sworn or affirmed to faithfully and impartially perform the duties required of them according to the best of their skill and judgment respectively, proceed to make due inquiry concerning all matters in controversy, and shall hear the allegations of the parties and their proofs, and after maturely deliberating thereupon, shall proceed and do and perform all and whatsoever to them or a majority of them shall seem, meet and proper, and their doings shall within twenty days of the day they are called to act be reported to the said commissioners in writing, giving in said report every matter and measure which they of right ought to give and render. And if need be, the said "Appeal Board" may call to their assistance a surveyor and cause a survey and plot of any lands affected by their doings to be made, and append such plot to their report as part thereof, and shall

Appeal Board,
how called out.

Must be sworn.

Hearing.

Report.

May call
to assistance
a surveyor.

OF CITIES AND TOWNS.

in such report return the damages assessed, if any, to whom, and the amount to each person. If any member of said "Appeal Board" shall neglect or refuse to act in any case when so chosen, in whole or in part, he shall forfeit any pay to the commissioners for the use of the town, the sum of five dollars, to be recovered by action before the alderman as debts of like amount are recovered before a justice of the peace of Kent County with costs. And if the report of said Appeal Board shall be substantially the same, and the damages or awards shall be the same, as the doings and damages and awards of the commissioners under Section 5 of this act, the cost of such appeal shall be borne by the appellants equally, otherwise by the town. If any person entitled to any damage or award under this act be a minor, non-resident or in anyway incapacitated to take the same or refuse to take and receive the same, such damage or award may be deposited in any bank in Kent County to the credit of such person so entitled, and such deposit shall in all cases operate as payment. The said "Appeal Board" and the surveyor if any, shall be paid a reasonable compensation for their services.

Section 7. That full power and authority is hereby conferred upon the Town Commissioners and their successors in office to make all needful ordinances and by-laws at the annual or any of the monthly meetings to be held in said town, requisite to secure good government to regulate said town and the conduct of all persons therein, to define nuisances, and what are obstructions to the roads, streets, avenues, passes, side-walks, ditches or water drains therein, and to regulate the travel upon said ways, roads and avenues, and to provide against improper gatherings and assemblages of persons to the fear and terror of the citizens, and of all noisy and turbulent gatherings whatsoever, and for the suppression, discontinuance or removal of all dangerous chimneys or stove-pipes, or other dangerous and unsightly objects, sports or practices calculated to create fear and dread in near neighbors or others, and to fix adequate fines and forfeitures for any violations of any such ordinances or by-laws made and established by the commissioners and to provide any and all proper remedies, means and processes requisite to carry into effect all and every the aims, objects and purposes of this act.

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Section 8. That there shall be held in such place within said town as the commissioners shall select on the first Monday next after every election a town meeting, organized and conducted by said commissioners, at which all tax payers may attend for the purpose of settlement of all accounts of the then past year, and for determining by the commissioners the amount of money to be raised by tax for the ensuing year not exceeding six hundred dollars, exclusive of dog taxes. At said annual meeting there shall be produced a true and just report of the doings of the past year, showing the amount of money received from all sources, the names and amount of delinquent taxables, also the expenditures, for what purpose and to whom made, also the unexpended residue, the amount owing, to whom and for what purpose, and such other information as may properly be called for at said meeting, so as to set before the taxables present a just and true state and condition of the finances and condition of said town. In addition to said annual meeting there shall be held on the first Monday in each and every month yearly, a monthly meeting of the commissioners for the purpose of hearing, determining or acting upon any matter or business relating to or concerning the said town, which may be properly and lawfully there entertained and acted upon. The said annual meeting shall be duly advertised by the town Clerk or commissioners by notices posted in three of the most public places in said town at least three days before the day of such meeting, stating the day, hour and place of holding the same. At all annual meetings any one member of the commissioners may assume the chair and call the town Clerk, and if none, then any person present whom he may name to act pro tem, as secretary at such meeting when the same shall be thereby organized. No fees or charges shall be allowed for holding any the said town meetings.

Settlement of accounts.

Determine amount of tax to be raised.

Statement, to contain what.

Meeting, when to be held.

Notice of annual meeting.

Chairman.

Section 9. That the assessor shall immediately after the annual meeting make a just, true and impartial assessment and valuation of all the real estate in the town limits, and of all the male citizens therein of the age of twenty-one years and upwards, and all cows and horses kept in said town limits, and shall also include in said assessment the names of the owners or keepers of all dogs and bitches therein, and how many are owned or kept by each person, and in making

Assessment.

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said assessment shall as to the assessed valuation of persons, and of cows and horses be governed and regulated by the assessment and valuations made on the assessment list of the Hundred whereon such person or persons, and horses and cows were then last assessed and valued. He shall complete and deliver said assessment to the commissioners within ten days of said annual meeting for their examination, and if need be shall by them, with the assistance of said assessor, be corrected and adjusted according to the right of the matter, whereupon a true copy verbatim of said assessment so adjusted and corrected shall be made out and hung in some convenient place in said town for public inspection, of which due notice shall be given by the said commissioners or the said assessor, posted in five of the most public places in said town at least five days previous to the day on which they and the assessor shall sit together to hear and determine appeals thereto. The appeal meeting shall be kept open from 2 till 4 o'clock of the afternoon of said day which shall also be stated in said notices, and shall be held at such place as named in said notices, and as soon after the hanging up of said list as conveniently may be. At said appeal meeting the commissioners shall hear and determine concerning the appeals and make the changes or alterations in all appealed cases as to them shall seem just and proper, but no other changes shall be made in said assessment except if glaring and gross mistakes or omissions shall appear, they may alter and amend so as to secure, according to the best of their skill and judgment, a fair and impartial assessment throughout. All such corrections, additions and alterations, if any shall be made on the day and within the hours of appeals as advertised and not thereafter. Immediately after every appeal meeting the original assessment list shall be corrected and made to agree verbatim with the duplicate so corrected and adjusted and retained by the commissioners or the assessor for future reference if need be, and as a precaution against the possible loss or destruction of the duplicate and warrant delivered to the treasurer. The said duplicate shall, as soon as possible or practicable after appeal meeting, be delivered to the town treasurer with the commissioner's warrant thereon written commanding him to receive and collect from the several persons therein named a rate in said warrant named on every hundred dollars and a fractional

When to be completed.

Copy hung up.

Appeals.

Notice of.

Change which may be made on appeals.

Corrections, when to be made.

Duplicate to be delivered to Treasurer.

Warrant.

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part thereof whereof they shall stand severally assessed, and said warrant shall also command the said treasurer to collect from every owner or keeper of a dog the sum of fifty cents Dog tax. for each and every dog, and one dollar for each and every bitch so assessed on said duplicate; and said warrant may further command the said treasurer to receive and collect from the owner or keeper of any dog or bitch coming into or found to be harbored in said town at any time between appeal day and the next annual meeting thereafter to be held and not already assessed the like sum of fifty cents for each dog and one dollar for each bitch, and he shall account for the amount by him so collected and from whom, for the uses of said town. Provido. Provided that in case the owner or keeper of any dog or bitch, assessed on said duplicate, shall neglect or refuse, to pay the tax so assessed, for the period of ten days after notice and demand of payment of said tax by the treasurer of said town or in case the owner or keeper or other person harboring any dog or bitch in said town not so assessed, on said duplicate shall neglect or refuse to pay the sum of fifty cents for each dog and one dollar for each bitch as herein provided for the period of ten days after notice and demand of payment of said tax by the treasurer of said town, then and in all such cases, it shall and may be lawful for the said The Commissioners of Wyoming or its servants or agents, to take possession of and impound all such dogs or bitches and dispose of the same in such manner as to the When and how dogs may be disposed of. said The Commissioners of Wyoming shall seem meet and proper. The said treasurer immediately after receiving said duplicate assessment with the commissioners' warrant thereon written shall proceed to collect from the persons therein named and as by said warrant commanded, and for that purpose all the remedies, powers, means and processes as by law conferred upon the collectors of school taxes, and of county, road and poor tax, are hereby conferred upon said treasurer, who is hereby constituted also the collector of said town. Power of Collector.

Section 10. That if a vacancy shall happen among the commissioners such vacancy may be supplied by appointment at any of the regular meetings, yearly or monthly, by the remaining commissioners or commissioner, and if there be none to make such appointment then the persons present being Vacancies, how filled.

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taxables may appoint suitable persons, possessing the requisite qualifications to serve until the next election; and if the town treasurer should die or become incapacitated to perform the duties of his office before the end of his term, then the person or persons named in his surety bond shall fill the office of treasurer and collector, and exercise the powers conferred on said treasurer until a successor be duly appointed and qualified.

Pavements.**When may be ordered.****Specifications to be given owner.****Town may pave, when.****Cost, how recovered.****Limit of fines to be imposed.****Recoverable, before whom.**

Section 11. That if any of the commissioners shall at any time think proper they may order and direct any owner or holder of lands along which any sidewalk is now made or hereafter is made, to build, or repair and alter, or re-construct the same, with pavements thereon, and the side curbing thereto, and in making such order or giving such directions shall specify the width of such sidewalk, the width of the pavement to be laid thereon, and of the general height and character of curbing next the street for the support of such sidewalk, and shall also state in such order or directions the kind and character of the materials to be used in making the same, and that the said sidewalks and pavements and curbs shall be made to conform with the general grade of the street or sidewalk and pavement of which the same is a part, and shall also state the time within which all such work shall be completed. And if any person shall fail, neglect or refuse to perform any such work when and as commanded, then and in such event the town commissioners or a majority of them, are hereby authorized and empowered to do said work and repairs and procure the needful materials therefor, and when completed recover all the costs and charges incurred, including any skillful superintendent's charges for his services in managing and directing the same by action in the name of "The Commissioners of Wyoming" before the Alderman of said town, and if none at the time then before any Justice of the Peace in said County, or any court of this State, as circumstances of jurisdiction may require.

Section 12. That fines and penalties authorized by this act for infraction of the same or of any ordinance or by-law hereunder shall in no case exceed the sum of Ten Dollars, recoverable before the Alderman of said town, and if none at the time, then before any Justice of the Peace in Kent County

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with costs, and on a failure to pay which may be committed by said Alderman or justice to the town lock-up if any, otherwise to the common jail of Kent County for a term not exceeding ten days.

Section 13. That the Alderman of said town shall have within town limits all the powers, authority, jurisdiction and cognizance of a justice of the peace of and over all breaches of the peace and other offenses therein, to arrest, hold to bail or fine and imprison all offenders and of and over all fines, forfeitures and penalties mentioned and prescribed by this act or by ordinances established by the commissioners, and over all neglects, omissions, or defaults of any the officers of said town. The fees of the said Alderman shall be the same as are by law allowed to justices of the peace for similar purposes. The Alderman shall keep a book of record, called "Alderman's docket of Wyoming", procured for him by the commissioners in which all his official acts shall be entered, and he shall deliver all books, papers and effects belonging to his office to his successor in office when appointed and qualified.

Alderman.
Powers of Justice.

Fees.

Alderman's
Docket.

Section 14. That the town constable appointed by the commissioners shall have and exercise all the powers and authority within the limits of said town as constables of the State of Delaware in and for Kent County have, and shall have and receive for his fees and emoluments the same as those of constables of Kent County for like services. Provided that he shall not serve any civil process except to carry out the provisions of this act. It shall be his duty to execute the office of town constable, as fully and effectually and to all intents as largely, in all cases within the town or arising under this act, as constables of the State of Delaware in and for Kent* may or can do.

Town Constable.
Powers.

Fees.

Proviso.

Section 15. That the act entitled "An Act to incorporate the town of Wyoming," passed at Dover, February 25, 1887, and the several acts and parts of acts therein and thereby repealed, and all acts or parts of acts inconsistent with or supplied by this act are hereby repealed and made null and void; saving and excepting however, from the effect of such repeal, and hereby expressly declaring that all the ordinances and by-laws of the "The Commissioners of Wyoming" here-

Certain Acts repealed.

Saving.
Ordinances.

OF CITIES AND TOWNS.

Acts of town
ratified.

Debts, etc., due
and owing to
be unaffected.

Powers of
Treasurer to be
continued.

Bond to be un-
impaired.

Proceedings be-
gun to be unaf-
fected.

tofore enacted or adopted, and now in force in pursuance of any law of this State, shall continue in full force and effect, until repealed, altered or amended, by the Commissioners of said town. That all the acts and doings of the commissioners of the said town of Wyoming or of any officer of said town, lawfully done or performed under the provisions of any law of this State or of any ordinance or by law of the Commissioners of said town, are hereby ratified and confirmed. That all debts, fines or penalties and forfeitures due to the said "The Commissioners of Wyoming" and all debts due from the said "The Commissioners of Wyoming" to any person or persons, whomsoever or to any corporation, are hereby declared to be unaffected and unimpaired by this repeal, and all laws of this State for the collection and enforcement thereof shall continue in full force until the same shall be fully paid and discharged. That all the powers now conferred by law upon the Treasurer for the collection and enforcement of all taxes in said town heretofore assessed and uncollected, shall continue in full force and effect, until all of said taxes shall be fully collected and paid; that the official bond of said treasurer shall be unaffected and unimpaired by this repeal and that he and his sureties therein shall continue liable for any breaches of any of the conditions of said bond; and that all proceedings heretofore commenced for the collection of any penalty, fine or forfeiture or debt due to said town under any law, ordinance or by-law shall not be affected or impaired by this repeal, but the same may be prosecuted to judgment and execution until the same be fully paid, liquidated and discharged.

Section 16. That this act shall be deemed and taken to be a public act, and shall be printed among the laws of this State.

Approved, February 21, A. D. 1905.

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CHAPTER 183.

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AN ACT to re-incorporate the Town of Bridgeville.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring):

Section 1. That an election shall be held in the Town of Bridgeville, Sussex County, on the first Monday of February next, at the place where the general elections are now held, from 1 o'clock till 4 o'clock in the afternoon, and thereafter on the first Monday of every February, at such time and place as shall be determined and fixed by the town commissioners; due notice whereof shall be given by the said commissioners at least one week before said subsequent election for an alderman, five commissioners, an assessor, and treasurer. The said alderman and three of said commissioners, and the assessor and treasurer, shall be residents of and freeholders in said town; the two remaining commissioners shall be residents of the said town. The Alderman, Assessor, Treasurer and three of said Commissioners shall hold office for the term of one year from the date of their election; and the two remaining commissioners for the term of two years from the date of their election. The votes shall be received by the State's Justice of the Peace of said town, and the result of the balloting for said alderman, commissioners, assessor and treasurer shall be ascertained by himself and two competent citizens, qualified as voters of said town, selected by him to assist in holding said election. At such election every male citizen of said town, who shall have attained the age of twenty-one years and is a taxable of said town, shall have the right to vote. The Justice of the Peace and two citizens aforesaid, shall be judges of the election, and shall decide on the legality of the votes offered. Immediately after the election is closed the votes shall be read and counted, and the persons having the highest number of votes shall be declared duly elected. Immediately after such

Election, when to be held.

Notice.

Officers.

Qualifications.

Terms of Officers.

Election Officers.

Result, how ascertained.

Voters.

Judges of election.

Plurality vote to elect.

OF CITIES AND TOWNS.

- election the person or persons under whose superintendence the election is held shall enter, in a book to be provided for that purpose, a minute of such election, containing the names of the persons chosen alderman, commissioners, assessor and treasurer, and shall subscribe the same, and shall give to the alderman, commissioners, assessor and treasurer elect certificates of their election. The book containing such minutes shall be preserved by the commissioners, and shall be evidence. And in case of the absence, inability or failure of the Justice of the Peace to serve and perform the duties of one of the Judges at the election, as required by this Act, it shall be the duty of the Commissioners of Bridgeville to select a competent citizen of the said incorporated town to perform the duties hereof required of the State's Justice of the Peace in said Town for the said election.
- Minute of election to be recorded in Record.**
- Certificates of election.**
- Record, in custody of whom.**
- Absence of Justice of Peace. Town Commissioners appoint person to hold election.**
- Incorporation.** Section 2. That the Commissioners of Bridgeville, to be elected as hereinbefore prescribed, and their successors in office, shall be and they are hereby created a body politic and corporate in law, and the said Commissioners of Bridgeville and their successors shall be able and capable to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in all courts of judicature whatsoever in this State by the corporate name of the Commissioners of Bridgeville, and may have and use a common seal, with such device or devices as they shall think proper, with power to alter or change the same as may be deemed expedient, to purchase, take, hold, receive and enjoy any message, bonds, tenements or hereditaments in fee simple or otherwise, and also goods and chattels, rights and credits, and to alien, grant, devise, sell and dispose of the same in such manner and form as they may deem expedient: Provided nevertheless, that there is hereby reserved to the Legislature the power and authority to repeal this Act or any part thereof, or any other law which may hereafter be enacted respecting the said town.
- Powers.**
- Corporate name.**
- Proviso.**
- Jurisdiction of Alderman.** Section 3. That the person elected as Alderman aforesaid of said town, shall have, within the limits of said town, all the powers, authority, jurisdiction and cognizance of a Justice of the Peace of and over all breaches of the peace and other offences within said town, to arrest and hold to bail or fine and imprison all offenders, and of and over all fines, for-

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feitures and penalties which may be prescribed by any law of the State, or by ordinances of the town commissioners regularly passed and established for the government of said town, and of and over all neglects, omissions or defaults of the town bailiff, assessor or treasurer, or any other person or officers whose duty it may be to collect, receive, pay over or account for any money belonging to said town, or to execute or obey any law or ordinance thereof: Provido: excluding jurisdiction in civil matters. Provided, that he shall not impose any fine exceeding twenty dollars, nor have jurisdiction in any civil matter other than to carry out the provisions of this Act, or the rules and regulations adopted for the government of said town by the persons authorized to adopt the same under this Act. Fees of Alderman. The fees of said alderman shall be the same as are allowed Justices of the Peace for similar services under the laws of this State. It shall be the duty of the alderman to keep a book of record or docket, to be called the Alderman's Docket of Bridgeville, to be provided by the commissioners aforesaid, in which all his official acts shall be entered, and he shall upon expiration of his term of office, deliver over to his successor all the books, papers, etc., pertaining to his office, within one week after the election and qualification of his successor, and in default of so doing he shall forfeit and pay, for the use of said town, the sum of twenty-five dollars, to be recovered before the succeeding alderman or the justice of the Peace residing in said town. Alderman to keep record. Failure to turn over record to be fined.

Section 4. That the alderman, commissioners, assessor and treasurer aforesaid, so elected, shall, before the Justice of the Peace in the said town be duly qualified by oath or affirmation, to perform the duties of their offices respectively to the best of their knowledge respectively, and without favor or partiality, and after being so qualified the said commissioners, at their first meeting after each election, shall choose a President and Secretary from their numbers who shall continue during their term of office, and if by death or otherwise the place of the president or secretary shall become vacant, the commissioners or a majority of them at their next meeting thereafter, are hereby authorized to fill said vacancy out of their own numbers as aforesaid, and if a vacancy shall occur in the office of alderman, commissioners, assessor or treasurer during the said term of office, by death Oath, by whom administered. President and Secretary. Vacancy, how filled. Vacancies in other officers, how filled.

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or otherwise, the said commissioners or a majority of them for the time being, at their next meeting thereafter, are hereby authorized to fill such vacancy by appointing an alderman, assessor, commissioner or treasurer, or other, as the case may be, to fill the unexpired term of said office or offices. All the commissioners shall act, but the decision of a majority shall govern. The officers so appointed after being qualified as aforesaid, shall have all power in like manner and be subject to all penalties the same as those duly elected to said office or offices. It shall be the duty of the president chosen aforesaid to preside at all meetings of said commissioners, and in case of his or the secretary's absence, an officer pro tem shall be appointed in his or their place. It shall be the duty of the secretary to record all the proceedings of the said commissioners and keep a correct journal of the same in a book or books provided for the purpose, and also the papers relative to said town, all of which are to be carefully preserved and delivered to his successor in office.

Majority controls.

Powers of Officers.

President to preside.

Secretary to record proceedings.

Commissioners to supervise roads, etc., and to repair same.

Tax authorized.

Limit of tax.

Sidewalks may be built with gravel, when.

Costs, how paid.

Section 5. That the commissioners for the time being, or a majority of them shall have the superintendence and oversight of all roads and streets, lanes, alleys and gutters now open, or hereafter to be opened, and shall have power and authority to cause the streets, lanes, alleys, bridges and gutters in said town to be repaired, supported, regulated, removed and amended in any manner they may deem most proper for the convenience and interest of the citizens of said town, and shall cause a fund to be raised by way of tax upon persons authorized to vote for commissioners by this act, and upon all lands and tenements and interest in such lands and tenements within the limits of said town, provided that in no case shall the tax so raised exceed the sum of \$900 in any one year, to discharge the expenses of repairing the said streets, lanes, alleys, bridges and gutters, or for any other purpose that will contribute to the safety, convenience and prosperity of said town. The said commissioners, or a majority of them, may cause such sidewalks or portions thereof as are unpaved to be covered with gravel, sand or dirt, if they deem them not proper to be paved, and shall cause them to be put in good order for the convenience of the citizens of said town, and the cost of doing the same shall be defrayed by the owner or owners of any houses or lands before or in

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front of which such sand, dirt or gravel is placed, and may cause flag stones, or such material as is deemed necessary, to be put down as the crossing of the streets wherever they may think proper, and the cost of doing the same shall be defrayed out of the funds of the town. If any lot or lots on any of the said streets shall be held or owned by a widow or widows as and for her dower, such expenses incurred as aforesaid for the lot or lots so held shall be paid by the owner or owners of the reversion in fee simple; and if such owner or owners be a minor or minors at the times of such expenses being incurred, then to be paid by the guardian or agent acting for such minor or minors out of any money or effects of such minor or minors, and a receipt therefor to such guardian or agent shall be sufficient evidence of such payment and be allowed in his or her guardian or agent's account, and if not paid by the guardian or agent as aforesaid on the presentation of the bill the same to remain on interest from the day of the presentation and be a lien against such lot and improvements until paid; all subsequent repairs named in this Act to be kept up at the expense of such tenant in dower. That the Levy Court of Sussex County be and they are hereby directed, in making the appointment* of the sum of the road tax to be paid to the overseers of roads, annually to make an order for the payment to the commissioners of Bridgeville of not less than Three Hundred and Fifty Dollars annually, to be by them expended in repairing and maintaining in proper order the roads, streets and bridges within the limits of said town; and the said commissioners shall have the sole supervision of said roads, streets and bridges, and shall settle with the said Levy Court as other overseers of public roads: Provided always, that the said commissioners shall in no case be required to repair or keep in order any roads or highways subject to be supported by the County of Sussex.

Flagstone crossings.

How paid.

Owner in reversion liable for expenses.

Expenses to be paid by guardian of minor reversioner.

Levy Court to appropriate \$350.00 annually.

Commissioners to have sole control of streets, etc., in town.

Proviso.

Section 6. That whenever the commissioners shall have proceeded to locate and lay out any new street and shall have fixed the compensation therefor, it shall be their duty immediately after the survey and location of said street, to notify, in writing, the owner or owners of the real estate through or over which such new street may run of their

Notice to property owners in condemnation proceeding.

*So Enrolled.

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determination to open the same, and to furnish a general description of the location thereof, and also the amount of such damages or compensation allowed each, and if such owner be not resident within the said town, to notify the holder of said real estate. If any owner be dissatisfied with the determination to lay out and open said street or with the amount of the compensation or damages, he may, within two weeks after receiving notice from the commissioners as aforesaid, appeal from the said determination or assessment, or both, by serving written notice to that effect on the said commissioners, or some one of them. In order to prosecute said appeal, such owner or owners shall, within ten days after the two weeks allowed for appeals shall have expired, apply to the Justice of the Peace residing in said town, who shall, within three days thereafter, and upon notice to the said commissioners, or some one of them, select and write down on a list the names of twenty-one judicious and impartial freeholders, nine of whom shall be freeholders of N. W. F. hundred, owning no real estate in said town and not residing within its limits, and the remaining twelve shall be freeholders owning real estate in said town and residing within its limits. The said commissioners shall, upon receiving said notice from the Justice, immediately notify all persons owning real estate on the said streets and residing in said town, who have notified them of their intention to appeal, of the time and place when and where the said names will be selected, and at the time and place mentioned in the notice of the Justice the said appellants, or as many as choose, and the said commissioners, shall attend. The appellants, their agent or attorney, shall first strike out one of said names, and the commissioners, their agent or attorney, shall strike out another, until each shall have struck out seven; such striking out shall be so confined and regulated as to leave seven remaining freeholders, located as follows, viz: Four resident in said town and three residing out of said town, who shall constitute the freeholders who shall determine concerning the necessity of said street and assess the damages of all owners of real estate through or over whose grounds the said street shall run who shall have notified the commissioners of their intention to appeal, and their award and assessment shall be final, and a copy thereof shall be communicated to all parties, appellants and commis-

Appeal.

Notice to
CommissionersAppeal, how
prosecuted.Notice to all
persons owning
real estate on
said street.

Challenges.

Freeholders,
how to be
located.

Award final.

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sioners. In case either side, commissioners or appellants, be not represented before the Justice, or shall refuse to strike, the Justice shall strike for the party so absent, neglecting or refusing. Any party, appellant or commissioners, may, within two weeks after the appointment of said freeholders, and upon one weeks' notice to the other parties resident in said town, or, in case of non-residents, notice to holders, of any real estate, call out the freeholders aforesaid, who shall thereupon proceed, upon oath or affirmation, to inquire of the necessity of such street, and in case they deem such street to be necessary, to assess the damages of the several owners. Their award shall be made within two weeks from the time of notifying them to meet. If any freeholder thus appointed and notified shall refuse to serve, he shall forfeit the sum of twenty-five dollars, to be recovered in an action of debt before any Justice of the Peace of Sussex County, in the name of the town commissioners, for the use of said town. If in case the award of the freeholders shall be against the necessity of any such street, then no petition for any such new street so condemned shall be entertained by the commissioners then acting during the term for which they were elected. The act of a majority of said freeholders shall be as good as the act of the whole in making any such award or assessment of damages.

Refusal to challenge Justice to strike out.

Freeholders, when may be called out.

Upon oath to inquire of necessity for street.

Assess damages. Award, when made.

Penalty for freeholder's refusal to serve. How recovered.

New petition, when may be acted upon.

Majority shall govern.

Section 7. That if, on any such appeal, the award shall be against the necessity of such a street, or the freeholders shall increase the damages of any appellant, then the costs of appeal shall be borne by the town; but if the freeholders shall affirm the necessity of the street, and shall not increase the damages of any appellant, then the costs shall be paid by the appellants equally. That the damages which may be assessed upon the occasion of the opening any new street shall be paid out of the funds of the town or duly tendered before the property of any person in whose favor the damages are assessed shall be appropriated for the opening of any such streets, and in case any such owner or owners, in whose favor any such damages are assessed, shall be a minor, non-resident, or refuse to receive, or be incapable for any cause of receiving the same such damages may be deposited in some banking institution which may at the time exist, to the credit of such person or persons, and subject to his or their

Costs of appeal, how borne.

Damages, how paid.

When paid.

When may be deposited in Bank.

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Fees of freeholders. order, and such deposit shall operate as payment. The fees of the freeholders shall be one dollar per day.

Limits and boundaries. Section 8. That the limits and bounds of Bridgeville shall extend to the distance of one-half mile in every direction from the south-west corner of Market and Front Streets, in said town.

Property taxed according to value. Section 9. That all pieces and parcels of land within the limits of the town of Bridgeville shall be taxed according to their assessed value. That the assessor of the town shall annually, during the month of February, make a true, just and impartial valuation or assessment of all the real estate of said town and also an assessment of all the male citizens residing in said town above the age of twenty-one years, as well those owning as those not owning real estate within its limits; and the said assessor shall forthwith, after making such assessment, deliver to the commissioners for the time being a duplicate containing the names of all persons assessed and the amount of their assessments, distinguishing the real and personal assessments of each.

Assessment, when made.

Duplicate assessment delivered to Commissioners

The commissioners shall assess the real estate and person of their assessor. The commissioners shall, between the first and twentieth days of March, cause a full and complete transcript of said duplicate to be hung up in a public place in the post office in said town, there to remain for the space of one week thereafter for public inspection; and the said commissioners shall, on Wednesday next after the expiration of the said one week, hold a court of appeal, which shall continue open from one o'clock P. M. until four o'clock P. M. of said day, when they shall hear and determine appeals from said assessment. Notice of the hanging up of the list, and also at the same time of the time and place of hearing appeals shall be given by notices posted in at least six public places in said town. The decision of the commissioners upon any appeals shall be final and conclusive. No commissioner shall sit upon his own appeal, but the same shall be heard and determined by the others. After the valuation and assessment shall be examined and adjusted by the said commissioners, all taxes shall be levied assessed and raised on the real estate and persons thus valued and assessed in just and equal proportions and rates. The assessor, immediately

Transcript to be hung up where.

Appeals, when to be held.

Notice of day and place of appeals.

Decision of Commissioners final.

Taxes, how levied.

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after his election, and before entering upon the duties of his office shall be sworn or affirmed, by some justice of the peace diligently, faithfully and impartially to perform the duties of his office to the best of his ability, knowledge and judgment, and a certificate shall be made by the person administering the oath or affirmation in the record book of the commissioners containing the certificates of the election of the alderman, commissioners, assessor and treasurer of the town of Bridgeville.

Assessor to be sworn.

Certificate.

Section 10. That the commissioners, after having ascertained the sum necessary to be raised on the said town for the purpose of this Act, and having apportioned the same on the assessment and valuation aforesaid, shall, yearly, in the month of March, or as soon thereafter as convenient, furnish the treasurer of said town with a list containing the names of the taxables, as well the owners of real estate as those not owning real estate, and opposite the names of each the amount of the real estate and his personal assessment, distinguishing between them, and also the tax levied on each person, and also the tax on the whole valuation and assessment and the rate per hundred dollars. The list shall be signed by the commissioners, or a majority of them. The treasurer, immediately after receiving the said list, shall proceed to collect the taxes mentioned in each list, and in collecting the same shall have the same powers as are given by law to the collector of the county rates and levies. The treasurer, before he enters on the duties of his office, shall give bond, with sufficient surety, in the penal sum of Five Hundred Dollars to the commissioners, conditioned for the faithful discharge of the trust reposed in him and the payment over to his successor in office of all such sums of money as may remain in his hands upon the settlement of his accounts.

Commissioners to furnish Treasurer tax list.

List how signed.

Powers of Treasurer.

Bond.

The said treasurer shall pay all orders drawn on him by the commissioners, or a majority of them, and shall settle his accounts with the said commissioners annually in the month of March, and as often and at such times as they or a majority of them shall require. The said assessor and treasurer shall each receive a reasonable compensation, to be determined by the commissioners.

Treasurer to pay orders of Commissioners Settlement.

Compensation.

Section 11. That it shall and may be lawful for the said commissioners to build and maintain a suitable place

Lock-up or jail authorized.

OF CITIES AND TOWNS.

as a lock-up or jail for the use of said town, and the alderman of said town, or any Justice of the Peace, acting under the provisions of this Act so carrying into execution any judgment or sentence pronounced under its authority, or the authority of any ordinance or regulations adopted by virtue of the power herein conferred, may commit to the said lock-up or jail, for any time not exceeding one week, and for the want of such lock-up or jail to the public jail of Sussex County.

May commit
to jail.

Town bailiff.

Powers of
bailiff.

Term.

Fees.

Proviso.
Not to serve
civil process.

Riots to be
suppressed.

Bailiff to
arrest.

Penalty.

Section 12. That the said commissioners are hereby authorized to appoint some discreet and judicious citizen, a resident of Bridgeville, town bailiff; the said bailiff shall have all the powers and authority, within the limits of said town, of a constable of the State of Delaware in and for Sussex County as to the cognizance of all breaches of the peace and other offences within said town, and shall hold his office subject to the option of the commissioners, and his fees and emoluments shall be the same as those of constable for like services: Provided, that he shall not serve any civil process, except to carry out the provisions of this Act. It shall be the duty of the said alderman, Commissioners and bailiff, or the Justice of the Peace and constable of Sussex County, residing in said town, to suppress all riotous, turbulent, disorderly, or noisy conduct of any person or persons, or disorderly or noisy assemblages or gatherings of any person or persons in the street, lanes or alleys of said town, or in any house situated therein, after night, or on the Sabbath day, or at any other time or season whatever, and for this purpose it shall be the duty of the said bailiff or any constable, upon the requisition of the alderman, or of any one of the said commissioners, and without further warrant, forthwith to seize and arrest any such person or persons so offending, and to carry him or them before the said alderman or the Justice of the Peace residing in said town, and upon conviction before the said alderman or Justice of the Peace as aforesaid (whose duty it shall be to hear and determine the case) the said alderman or Justice of the Peace shall sentence any such person or persons so convicted to pay a fine not exceeding twenty dollars, and commit the party to the lock-up or jail of said town for any period not more than one week, or until said fine and costs shall be paid. It shall

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be the duty of the said alderman or Justice of the Peace, upon complaint made before him of any such riotous, turbulent conduct as aforesaid, or noisy assemblages, to issue his warrant to the said bailiff or constable, commanding him to bring any such person or persons so offending as aforesaid before him for trial. That the said lock-up or jail of said town shall be in the charge of the town bailiff, whose duty it shall be to provide for the maintenance of such as from time to time be confined therein, the expenses to be defrayed by the treasurer of the said town upon a warrant drawn upon him by the commissioners for that purpose.

Alderman or Justice to issue warrant.

Lock-up or jail in charge of bailiff.

Expenses, how paid.

Section 13. That it shall be the duty of the said alderman, commissioners, bailiff or Justice of the Peace, to suppress, extinguish and prevent all bonfires in any of the streets, lanes or alleys of the said town, and to prevent or suppress the firing of guns, pistols or the letting off of fire-works, or the making or throwing fire-balls within the limits of the said town, and the commissioners may enact and publish ordinances, with reasonable penalties, for preventing the same and punishing persons guilty of their violation. And the said commissioners shall have power and authority to make, establish and publish such other ordinances as they may deem beneficial for the good government of the town, and they shall have and are hereby vested with authority to prescribe the fines or penalties for violation of such ordinances.

Bonfires forbidden.

Also firing guns, etc. Fire-balls.

Ordinances.

Fines.

Any fine imposed by any such ordinance may be collected before the said alderman or Justice of the Peace in the town, and in default of payment, the said alderman or Justice of the Peace may commit to the lock-up or jail of said town for any time not more than one week. All fines and forfeitures realized under the provisions of this act by the alderman or Justice of the Peace, as aforesaid, shall be paid over to the treasurer for the use of the town. If any constable shall neglect or refuse to perform the duties above enjoined on him by this Act, he shall be deemed guilty of a misdemeanor in office, and it shall be the duty of the commissioners to present him to the grand jury, and upon conviction, he shall, in addition to the punishment imposed by the court, forfeit his office.

Fines, how collected.

Alderman may commit on default.

To whom paid.

Constable refusing to act declared a misdemeanor.

Presentment to Grand Jury.

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Dogs to be
taxed.

Section 14. That the owner or holders of dogs within the corporate limits of the town of Bridgeville shall pay a tax of fifty cents on every male dog and a tax of one dollar on every female dog over two months old. Every dog, male or female, upon which the owner shall refuse to pay the tax shall be surrendered to the town commissioners, who shall have power to dispose of the same.

Making valid
all acts of
Board.

Section 15. That all Acts and transactions done and performed by the Town Commissioners and other officers under the provisions of the Town Charter since the expiration thereof on March 29, 1891, by constitutional limitation, be and the same are hereby declared perfectly valid and legal to all intents and purposes; and that Charles Owens, Solomon Unruh, and Fred L. Willey, commissioners, and John S. Hurlock, Treasurer, James P. Conoway, Assessor, and Charles E. Cook, Alderman, all of whom were elected on the sixth day of February, A. D. 1905, be and the same are hereby declared legally elected to the said respective offices for the term of one year from the date of their election; and that David H. Owens and Harry C. Layton, Commissioners who were elected on the sixth day of February, A. D. 1905, be and the same are hereby declared legally elected commissioners of the said town for the term of two years from the date of their election.

Fixing terms of
Commissioners

Approved, March 30, A. D. 1905.

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CHAPTER 184.

OF CITIES AND TOWNS.

AN ACT to re-incorporate the Town of Delmar, in Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each branch of the Legislature concurring therein):

Section 1. That the Town of Delmar, in Sussex County, as the same is now bounded or as it may hereafter be bounded, shall be governed and its affairs managed and conducted by a board of five commissioners.

Section 2. That Benjamin F. Barker, Willard O. Stevens, Harland* M. Waller, Peter S. Stockley and William S. Melson, shall and they are hereby declared to be the first commissioners, and shall continue to serve as such commissioners for the terms following, to wit; the said Benjamin F. Barker for the term of one year from the first Tuesday in March, A. D. 1905; the said Willard O. Stevens for the term of two years from the first Tuesday in March A. D. 1905; the said Harlan M. Waller for the term of three years from the first Tuesday in March A. D. 1905; the said Peter S. Stockley for the term of four years from the first Tuesday in March A. D. 1905; the said William S. Melson for the term of five years from the first Tuesday in March A. D. 1905, and until their successors shall have been duly elected and qualified as hereinafter provided, with power to fill any vacancy or vacancies that may occur in their number by death, resignation, removal from the town, refusal to serve, or otherwise, and the person or persons so chosen to fill such vacancy or vacancies shall serve until the term of the person in whose place he is chosen would in accordance with this Section expire.

Commissioners
named.

Terms.

Vacancies,
how filled.

Section 3. Be it further enacted as aforesaid, that the commissioners hereby appointed, and their successors in

*So Enrolled.

OF CITIES AND TOWNS.

Incorporation
name.

Powers.

office, to be chosen as hereinafter provided, shall be a body politic and corporate, in fact and in law, by the name of the "Commissioners of the Town of Delmar", and may sue and be sued by that name; they shall, in addition to the power hereinbefore conferred, have power to regulate the streets, lanes, alleys and sidewalks of said town, and may direct the latter, or such part thereof as they may determine, to be paved the width of at least three feet or more, or otherwise improved, at the expense of the owner of the ground adjacent; on complaint of any citizen to examine any chimney, stovepipe, fixture or any other matter dangerous to the town and if adjudged dangerous to require and compel it to be repaired, remedied or removed; to prevent or remove nuisances therein; to prohibit the firing of guns or pistols, the making of bonfires or setting off fireworks, or any dangerous sport or practice, and to prevent or suppress any noisy or turbulent assemblages of any persons within the town, and generally they shall have all the powers which by any law of this State are conferred on the commissioners of the town of Delmar.

Elections,
when to be
held.Election
officers.

Return of vote.

Certificate of
result.Qualification of
voter.

Section 4. Be it further enacted as aforesaid, that the commissioners herein named shall continue in office until their terms of office as stated in Section 2 of this Act shall have expired; and on the first Tuesday in March A. D. 1906 and on the same day in every year thereafter there shall be held an election in the said Town of Delmar, at the public school-house therein, from the hour of two to the hour of four o'clock P. M. for one commissioner to serve for the term of five years who shall be a resident of said town and a freeholder therein and for an Inspector and two Judges of election. That at the election to be held on the first Tuesday in March A. D. 1906 the people present entitled to vote shall select by viva-voce vote one person to be the Inspector and two persons to be the Judges of said election. Thereafter the elections shall be held by the Inspector and the two Judges chosen at the preceding election and shall decide the legality of the votes offered. They shall receive the ballots, ascertain the result, and certify the same on the books of the commissioners. At such election, every male taxable of said town above the age of twenty-one years, and who shall have paid the town tax last assessed

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to him shall be entitled to vote, and the husbands of women freeholders in said town shall be entitled to vote at said election, provided the town tax last assessed to them shall have been paid; and if any vacancies shall occur in said board of Commissioners by death, resignation, refusal to serve, or otherwise, of any members thereof, the remaining commissioners shall have power to fill such vacancy or vacancies until the ensuing annual election, at which time said vacancies shall be filled by election of commissioners to fill out the whole of the unexpired term or terms of the commissioners in whose stead they shall be elected.

Vacancy,
how filled.

Section 5. Be it further enacted as aforesaid, that there shall be four stated meetings in every year of the said Commissioners, viz: On the second Wednesday in March, June, September and December, at which meetings they may pass all such ordinances or rules for the government of said town, the improvement of the streets, the paving or other improving of the sidewalks, the planting and protection of ornamental trees, the repairs and making of public pumps, and for all other matters relating to the general welfare of said town as said Commissioners may deem proper; provided the same be not repugnant to the Constitution and Laws of Delaware and of the United States. By such ordinances they may impose fines, penalties and forfeitures, and provide for their collection. Also the President shall, at the request of the Commissioners whenever they may deem such meeting necessary, and at at such meeting they shall have the right to transact any business that they may have power to transact at regular meetings. The said Commissioners shall at their first meeting after the election, elect one of their number as President of said board, whose duty it shall be to preside at the meetings of the board, have the general supervision of the streets in said town, and of the persons who may be employed by the Town Commissioners, receive complaints of nuisances, and other complaints of citizens of violations of the laws and ordinances, which shall be in writing and signed by the complainants, and present the same to the Commissioners at their first meeting for action, and violations or infractions of the laws or ordinances as requires immediate action to cause the same to be proceeded on before the alderman. He shall sign all warrants on the

Stated
meetings.

Ordinances
may be
adopted.

Proviso.

Fines, and their
collection.

Called
meetings.

President.

Duty of.

Nuisances.

Sign warrants
on Treasurer.

OF CITIES AND TOWNS.

Treasurer for the payment of any money, and shall perform such other duties as may be prescribed by any ordinance or ordinances of the town Commissioners.

Amount of tax
to be raised.

Limit of
taxation.

Assessor.

Collector.
Treasurer.

Assessment.

Proviso.

Proviso.

Misdemeanor
to refuse to
pay tax or
work on streets.

Fine.

Commitment.

Duplicate of
assessment.

Section 6. Be it further enacted as aforesaid, that the Commissioners herein named and their successors in office shall, at their first stated meeting in every year determine the amount of tax to be raised on said town for that year, not exceeding Six Hundred Dollars, including tax on real and personal property and poll tax; and they shall appoint an assessor who may or may not be one of their number, to make an assessment of persons and property in said town; and shall also appoint a collector and treasurer who may or may not be of their number. The collector and treasurer may be the same person. It shall be the duty of the assessor of said town, within two weeks from his appointment, to make a true, just and impartial valuation and assessment of all the real estate and assessable personal property within the said town, and also an assessment of all the male citizens residing in said town above the age of twenty-one years, as well those owning real estate as those not owning real estate, at least one dollar per head as tax, provided that all able bodied male citizens above the age of twenty-one years aforesaid, shall have the option of paying said poll tax of one dollar or working on the streets of said town, ten hours in each and every year; and further provided that any person so liable who shall fail to pay said tax and shall fail to work on said streets, as aforesaid, or furnish a substitute, after being properly notified, shall be guilty of a misdemeanor, and shall be arrested and brought before some Justice of the Peace for Sussex County, upon a warrant issued by said Justice in the name of the State of Delaware, and upon proof of said failure, shall be fined one dollar and all costs of the suit, and in default of the payment of the same shall be committed to the county jail for five days or until said fine and costs are paid, and the said assessor shall forthwith after making such assessment, deliver to the Commissioners, for the time being a duplicate containing the name of all persons assessed and the amount of assessment, distinguishing the real and personal assessment of each. When the assessment is returned the Commissioners shall give five days public notice of the fact, and they will sit together at a certain place, and on a certain day, to be designated by

OF CITIES AND TOWNS.

them, from two to four o'clock in the afternoon, to hear appeals from said assessment, they shall have power on such day to add to or decrease any assessment except that of poll, which shall always remain at the figures above stated, one dollar per head. When the appeal day is passed, they shall without delay cause the assessment list to be transcribed and the transcript to be delivered to the collector, who shall thereupon collect from each taxable his proportion of the tax paid, and pay over the whole amount, deducting commissions and delinquencies, which shall be allowed by the Commissioners to the treasurer, by the thirtieth day of June next after the receipt of his duplicate. The collector shall have the same powers for the collection of said taxes as are conferred by law upon collectors of county taxes; provided, however, that in making said assessment for the Town of Delmar that all machinery in any manufactory now in said town, or that hereafter may be erected, shall be exempted from taxation for town purposes, and that only the real estate and buildings belonging to said factories shall be taxed.

Appeals.

Duplicate of
tax to be
delivered to
Constable,
when.Power of
Collector.Exemption
from taxation.

Section 7. Be it further enacted as aforesaid, that the Commissioners, or a majority of them, shall have authority to employ and use the money in the treasury of the town for the general improvement, benefit and ornament of said town, as they may deem advisable, and all money paid out by treasurer shall be paid upon the order of the Commissioners or a majority of them, provided that said Commissioners shall have no authority to create debts on said town to a greater amount than they are authorized to raise by taxation and collect from the county.

Use of funds
of town.Funds, how
paid out.Debts not to be
created beyond
taxation.

Section 8. Be it further enacted as aforesaid, that any ordinances for the paving, or improving the sidewalks, shall apply only to those persons owning the property affronting upon them, who, and who alone, shall bear the expense of making the pavement or other improvements when the same shall be ordered. If such ordinance be not complied with in three months, the Commissioners may procure the materials and work to be found and done and collect the expenses of the same, on ten days' notice by advertisement at three of the most public places in said town, out of the personal or real estate of the person in default situated in said town; the sale may be made by any person whom the Commis-

Pavements,
who to pay
therefor.Commissioners
may make
pavements,
when.Cost how
recovered.

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Title acquired at tax sale. sioners may depute for that purpose, and if the proper notice has been given the sale shall be valid, and shall transfer all the title of the persons in default in such property to the purchaser, subject to prior liens and incumbrances. The money realized from the sale shall be paid to the treasurer for the use of the town, but if there be any surplus after meeting the claim for which the sale was made such surplus shall be paid to the person in default. The Commissioners shall allow reasonable fees for seizing the property and making sale.

Surplus.

Fees of sale.

Commissioners overseers of streets. Section 9. Be it further enacted as aforesaid, that the President and Commissioners for the time being shall have the superintendence and oversight of all the roads and streets now opened, or hereafter to be opened, within the limits of said town, and no overseer of any such road or street shall be appointed by the Levy Court of Sussex County, but the said Levy Court shall annually appropriate for the repair of said roads and streets a sum of money not less than Three Hundred Dollars, and shall make an order for the payment thereof to the treasurer of the Town of Delmar for the use of said town.

Levy Court to appropriate \$300.

Treasurer and Collector sworn. Section 10. Be it further enacted as aforesaid, that the treasurer and collector shall be severally sworn or affirmed to discharge their respective duties with fidelity; such oath or affirmation may be administered by any person authorized by the Laws of this State to administer oaths, or by the President of the Board of Commissioners. They shall also, before entering upon the duties of their offices, give bond to the town of Delmar, with sufficient surety to be approved by the Commissioners of said town, in the penal sum of double the amount of what may be likely to come into their hands, conditioned for the faithful discharge of the duties of their said offices and for the payment to their successors in office or* all sums of money belonging to the said town which may remain in their hands upon the settlement of their accounts, to which said bond and condition there shall be annexed a warrant of attorney for the confession of judgment for said penalty. The said treasurer shall pay all orders drawn on him by order of said Commissioners, and signed by

By whom to be administered.

Official bonds.

Condition.

Warrant to confess judgment. Treasurer to pay orders.

*So Enrolled.

OF CITIES AND TOWNS.

the president thereof, out of any moneys in his hands belonging to said town. He shall settle his accounts with the said Commissioners annually in the month of March, and at such other times as the said Commissioners may require. The treasurer, clerk and assessor of said town shall receive a reasonable compensation for their services, to be determined by the Commissioners of said town; provided, the compensation of the said treasurer, as such, shall not exceed two per cent. on all moneys received by him belonging to said town, and of the treasurer acting as collector shall not exceed eight per centum on the taxes collected by him.

Annual statement.

Salary.
Proviso.

Section 11. Be it further enacted as aforesaid, that the Town Commissioners, at their first meeting, or as soon thereafter as convenient, shall annually proceed to elect by ballot some suitable person, resident in said town, to be alderman of the Town of Delmar, who may or may not be a Justice of the Peace resident of said town, to serve as such for the term of one year or until his successor shall be duly elected and qualified, subject to be removed from office at any time by a vote of three fifths of all the members of the Board of Commissioners. Before entering upon the duties of his office he shall be sworn, or affirmed, by the President of the Board of Commissioners, or by any one of the Commissioners, to perform the duties of his office honestly, faithfully and diligently, and all the provisions of Sections three (3) and four (4) of the Act to incorporate the Town of Milton, passed at Dover, March, the third, A. D. 1881, shall apply to and are hereby extended and applied to the said alderman of the Town of Delmar.

Alderman.

Term.

To be sworn.

Section 12. Be it further enacted as aforesaid, that the Commissioners shall appoint a town clerk, who may or may not be one of their number, who shall keep a record of the proceedings of the Commissioners, and the same shall be evidence.

Town Clerk.
Duty of.

Section 13. Be it further enacted as aforesaid, that the Commissioners shall appoint a town constable.

Town
Constable.

Section 14. Be it further enacted as aforesaid, that it shall be the duty of the alderman of said town, and of the town constable, to suppress all riotous, turbulent, disorderly

Riots.

OF CITIES AND TOWNS.

or noisy assemblages or gatherings of persons in or at any building used for any fair, festival, concert or other social, literary or religious meeting, or any entertainment whatsoever, or in the streets, lanes or alleys, of said town at any time or season whatever; to prevent all gatherings whatever which may obstruct or interfere with the free use of the streets, lanes, alleys or sidewalks; and for this purpose it shall be the duty of said constable to seize and arrest any such persons so offending and take them or him before the alderman of said town, whose duty it shall be to hear and determine the case, and upon conviction before him the alderman shall sentence any such persons so convicted to pay a fine not exceeding Ten Dollars, and may commit the party or parties to prison for a period not exceeding thirty days, or until the said fines and costs shall be paid. It shall be the duty of the alderman of said town, upon complaint made before him of any such riotous, turbulent or noisy assemblages, or gatherings, as aforesaid, to issue his warrant to the constable aforesaid, commanding him to arrest and bring any such person so offending, as aforesaid, before him for trial. It shall be the duty of the constable aforesaid to arrest any drunken or disorderly person or persons who may be seen on the streets of said town and take him or them before the alderman of said town who shall proceed forthwith and determine the case, and upon conviction before him he shall sentence such person or persons in the same manner and to the same punishment of persons brought before him for the offences in the Section first enumerated. If upon view of the person or persons who may be brought before the alderman of said town for violation of this Section, it shall appear to the alderman that, in his judgment, such person or persons are not in a condition to be heard and tried, he may use his own discretion in fixing or appointing a time for trial of all such person or persons brought before for violating this Section. The fee to the alderman of said town for trial of any cause under this Section shall be fifty cents, and to the constable making arrest fifty cents, and in all cases of fees for the alderman and constable not herein provided for they shall be entitled to receive the same fees as are specified by the Laws of the State to be paid to Justices of the Peace and constables in like cases.

Constable to arrest offenders

Hearing.

Fine.
Commitment.

On complaint Alderman to issue warrant.

Hearing.

Fine.

Alderman may continue case.

Fees of officers.

OF CITIES AND TOWNS.

Section 15. The Act to incorporate the Town of Delmar in Sussex County, approved March 9, A. D. 1899, is hereby made null and void from the day on which this act becomes effective and operative, saving and excepting, however, from the effect of such repeal, and hereby expressly declaring that all the ordinances of the Commissioners of the Town of Delmar, heretofore enacted or adopted, and now in force in pursuance of any Law of this State shall continue in full force and effect until repealed, altered or amended by the council of said town. That all the Acts and doings of the council of said town, or of any officer of said town, lawfully done or performed under the provisions of any law of this State, or of any ordinance of the council of said town are hereby ratified and confirmed. That all the debts, fines or penalties and forfeitures due to said Commissioners of the Town of Delmar and all debts due from said Commissioners of the Town of Delmar to any person or persons whomsoever, or to any corporation, are hereby declared to be unaffected and unimpaired by this repeal, and all Laws of this State for the collection and enforcement thereof shall continue in full force until the same shall be fully paid and discharged. That all the powers now conferred by Law upon the collector for the collection and enforcement of all taxes in said town heretofore assessed and uncollected shall continue in full force and effect until all of said taxes shall be fully collected and paid; that the official bond of said collector, and other officers required to give bond, shall be unaffected and unimpaired by this repeal, and that they and their sureties therein shall continue liable for any breaches of any of the conditions of said bonds, and that all proceedings heretofore commenced for the collection of any penalty, fine, forfeiture or debt to said town, under any law or ordinance, shall not be affected or impaired by this repeal, but the same may be prosecuted to judgment and execution until the same be fully paid, liquidated and discharged.

Chapter 286,
Volume 21,
repealed.

Saving.

Ordinances.

Acts of Council
unaffected.

Debts and fines,
etc. unaffected.

Official bond
unaffected.

Proceedings
begun
unaffected.

Section 16. The present Commissioners of the town of Delmar on due notice given shall submit this Act to the legally qualified voters of the said Town of Delmar at the regular town election to be held on the first Saturday of March A. D. 1905, and if a majority vote of the legally

Election to be
held to deter-
mine accept-
ance of Act.

OF CITIES AND TOWNS.

qualified voters aforesaid present at said meeting is given in its favor then this Act shall become fully effective and operative to all intents and purposes whatsoever.

Section 17. That this Act shall be deemed and taken to be a public Act and published as such.

Approved, March 20, A. D. 1905.

CHAPTER 185.

OF CITIES AND TOWNS.

AN ACT authorizing the Commissioners of the Town of Delmar to borrow money and issue bonds to secure the payment thereof for the purpose of providing a supply of water and lights for the Town of Delmar.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all of the members elected to each branch of the Legislature concurring therein):

Authorized to
borrow money.

For what
purpose.
Water Works.

Light Plant.

Bonds.

Section 1. That the Commissioners of the Town of Delmar be and are hereby authorized, empowered and directed to borrow on the credit of the Town of Delmar, a sum of money not exceeding twenty thousand dollars (\$20,000), which shall be applied, appropriated and expended for the purpose of erecting Water Works and furnishing the said town with an ample supply of pure water for domestic purposes and for the protection of said town against fire and establishing a proper Light Plant (electric or of some other illuminating agency) by purchase or otherwise, sufficient to properly light said town and furnish light for private use. That the said Commissioners of the Town of Delmar for the purpose of carrying into effect the provisions of this Act, shall have power and authority and are hereby directed to issue bonds of the town of Delmar of such denomination as they shall deem best, bearing interest at a rate not exceeding

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five per cent. per annum, payable semi-annually on the first days of July and January, respectively, in each year, at the "First National Bank of Delmar, Delaware", the principal of such bonds shall be made payable in twenty-five years from the date of the issue thereof, the said Commissioners of the Town of Delmar, reserving the power and authority of redeeming said bonds or any part of them at the expiration of five years from the date of the issue of the same; provided that if the said Commissioners of the Town of Delmar elect to redeem any of said bonds at the expiration of five years, as aforesaid, such election shall be effected on the first days of July and January, and in pursuance of a notice to that effect published by the said Commissioners of the Town of Delmar in at least four issues of two newspapers, one published in the City of Wilmington and one in Sussex County. In calling said bonds for redemption and payment they shall be called consecutively, commencing with the lowest number; the interest on all said bonds so called, shall cease from the date of redemption thereof and said bonds when paid shall be cancelled. If at any time after the issue of said bonds and before they are payable or called in, any holder or holders of any such bond or bonds shall offer the same for redemption, the Commissioners of the Town of Delmar may, if they deem it expedient, redeem and pay the bond or bonds so offered and cancel the same, the interest thereon ceasing from the date of such redemption.

Rate of interest.

Payable, where.

Payable, when.

Redeemable, when.

Proviso.

Redemption, how effected

Section 2. That the Commissioners of the Town of Delmar shall direct and effect the preparation and printing of the bonds authorized by this Act, and shall also prescribe the form of said bonds; which shall be signed by the President of the Commissioners of The Town of Delmar and countersigned by the Secretary, and shall be sealed with the corporate seal of said Commissioners of The Town of Delmar, and be exempt from all State, County and Municipal taxation. As the said bonds and coupons thereon are paid the same shall be cancelled in such manner as the said Commissioners shall direct, and the said Commissioners of the Town of Delmar shall negotiate the sale and delivery of the same, and the moneys, the proceeds of the sale of said bonds, shall be deposited with the Treasurer of the said Commissioners of the Town of Delmar to be used for the purpose

Preparation of bonds.

Execution, by whom.

Exempt from tax.

Cancellation of bonds.

Proceeds of sale, with whom deposited.

OF CITIES AND TOWNS.

Proviso. of carrying into effect the provisions of this Act. Provided however, that in the sale of said bonds the Commissioners

Publication of notice for bids. of the Town of Delmar are required and directed to advertise said bonds for sale in at least four issues of two newspapers, one published in the City of Wilmington and one in Sussex County, inviting bids for same, in which said advertisement shall be stated the denominations of said bonds, maximum rate of interest, the place and date of opening said bids and conditions of said bonds. The said Commissioners shall have the power to require each bid for said bonds to be

Bids accompanied by certified check. accompanied by a certified check not less than One Thousand Dollars, and after the bonds are awarded the Commissioners shall return to the unsuccessful bidder or bidders the certified check or checks so filed by the said unsuccessful bidders with their bids. The said Commissioners shall have the right to

May reject bids. reject any and all bids, but in awarding the sale of the bonds, they shall be sold to the person or persons, firm or corporation offering the most advantageous terms.

Authorized to levy special tax. Section 3. That the Commissioners of the Town of Delmar are authorized and required to levy upon all the assessable real estate and leasehold estates or houses on ground rent in said town, annually, a special tax sufficient to pay all the interest accruing on said bonds which the rents and revenues derived from said Water Works and Light Plant may be inadequate to meet; provided, that this special tax shall not exceed Twelve Hundred Dollars (\$1200) in any one year. The said Commissioners of the Town of Delmar are further authorized and empowered at their discretion to

Limiting the amount of such special tax per annum. levy a further special tax upon the said real estate and leasehold estates or houses on ground rent in said town, annually, for the purpose of establishing a fund adequate to the redemption, at or before maturity, as prescribed in this Act, of all the bonds which may be issued under the provisions of this Act; provided, that the amount to be raised for the purpose of establishing said sinking fund for the redemption of said bonds shall not exceed the sum of Twelve Hundred

Sinking Fund tax. dollars (\$1200) in any one year. The special taxes provided for in this Section shall be collected from the owners of real estate and leasehold estate or houses upon ground rent in the same manner as the other taxes levied by the said Commissioners of the Town of Delmar are collected. The

Limiting amount per annum of such tax.

Special taxes, how levied and collected.

OF CITIES AND TOWNS.

sinking fund provided for by this Act shall be deposited in the "First National Bank of Delmar, Delaware" or may be invested by the Commissioners of the Town of Delmar, until such time as it may be needed for the redemption of the bonds, on such security as the Board of Light and Water Commissioners may by resolution approve of.

Sinking Fund,
where
deposited.

The Treasurer of the town shall give additional bond, with sufficient surety, for such sum as the Commissioners of the town of Delmar may determine and approve.

Treasurer to
give additional
bond.

Section 4. That before the provisions of this Act shall go into effect the sum or sums of money proposed to be borrowed or raised under this Act shall be submitted to a vote of the freeholders and ground rent leaseholders of the town and be approved by a majority of the votes cast at a special election which the said Commissioners of the Town of Delmar is hereby authorized to call at such time as it shall deem necessary, but in case the proposal to borrow the aforesaid sum of money shall not be approved by the majority of the votes cast at such special election, the Commissioners shall, on the application of twenty resident freeholders of said town, call another election, provided four months shall have elapsed since any preceding election for the purpose was held, and at every such election each freeholder and ground rent leaseholder within the town of Delmar being a resident thereof shall have a right to cast one vote for every dollar and fractional part of a dollar of tax assessed to him or her respectively; and both male and female shall have a right to vote, in person or by proxy, as they may prefer; provided, that he or she shall have paid all taxes heretofore levied and assessed against him or her and producing a tax receipt for the same when demanded by any person entitled to vote at said election: Notice of such election shall be given by the Secretary of said Commissioners of the Town of Delmar, by public notice, posted in at least ten public places in the town of Delmar, at least ten days before the time of such election. That if at said election a majority shall be given in favor of bonding the town for the purposes mentioned in this Act, before any contract is awarded for the erection, construction or building of any of the said improvements bids shall be advertised for in at least four issues of two newspapers, one published in the

Proposition of
bonding to be
submitted to
taxables before
Act effective.

Second election
when to be
held.

Method of
voting.

Qualification of
voters.

Notice of
election.

Bids advertised
for when elec-
tion carries.

OF CITIES AND TOWNS.

May require
certified check,
to accompany
bids.

City of Wilmington and one in Sussex County, in which said advertisements the place where plans and specifications can be examined, to whom and where bids shall be addressed, and the time, place and conditions of opening said bids, shall be set forth; the Commissioners may require bidders to file with them certified checks as evidences of good faith; and the contract shall be awarded to the lowest responsible bidder or bidders, and the Commissioners are empowered to reject any or all bids if to them it seems best so to do.

Faith of town
pledged.

Section 5. That the faith of the said town of Delmar is hereby pledged for the payment of the bonds authorized to be issued under the Act.

Section 6. That this shall be deemed and taken to be a public Act and shall be published as such.

Approved, March 20, A. D. 1905.

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CHAPTER 186.

OF CITIES AND TOWNS.

AN ACT to incorporate the Town of Ellendale.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of all the members elected to each House concurring therein):

Section 1. That the citizens of the town of Ellendale shall be a body politic and corporate, in fact and in law, by the name of "The Town of Ellendale," and by that name shall sue and be sued, plead and be impleaded, in all Courts of either law or equity in this State, and may have and use a common seal with such device or devices as they shall think proper, with the power to alter the same as may be deemed expedient; to purchase, hold, receive and enjoy any lands and tenements, and also personal property, and to alien, grant, sell and dispose of the same in such manner and form as they may deem expedient for the use of the said Town.

Section 2. The limits of said Town of Ellendale shall be as follows:

The initial point shall be the intersection of the Road known as Main Street and the Delaware, Maryland and Virginia Railroad.

From this initial point, the town shall extend West five hundred and eighty-four yards, or to the eastern edge of the State Road, and from the same point East four hundred yards and from the same point South four hundred yards, forming a parallelogram, whose north and south sides shall be nine hundred and eighty-four yards (984 yards) long, and whose east and west sides shall be eight hundred yards (800 yards) long, and the commissioners may at any time have the same surveyed and plotted and may have said plot recorded in the Recorder's Office of Sussex County, and being so recorded, it, or a duly certified copy thereof, shall be evidence of what is therein properly set forth.

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Survey and
Plot.

The said Commissioners may also have the streets, lanes and alleys surveyed and designated upon said plot.

The streets and alleys as now known and established, are as here stated.

Streets of
town.

That the road known as the Public road from Milton to Ellendale, so much of said road within the limits of the Town, shall be called Main Street, and is seventy feet wide. That the street running a southerly direction from Main street shall be called McCaulley Avenue, and is sixty feet wide. The street running north and south from Main Street shall be called Prettyman Avenue, and is sixty feet wide; that the street running a southerly direction from Main street shall be called Washington Street, and is sixty feet wide; that a street running east and west within the limits of said Town shall be called Pine Street and is sixty feet wide; that the street running east and west within the limits of said town shall be called Willow Street which shall be sixty feet wide, except that part commencing at McCaulley Avenue and running east to the McCaulley line which shall be thirty-five feet wide, the line commencing from the north edge of said street; then from the McCaulley line to the limits of the Town, the street shall be sixty feet wide; if at any time that part of the street now occupied by Reed's Mill should be abandoned, then the said Willow Street shall be sixty feet wide in its entirety, except that portion of said street running east from the Delaware, Maryland and Virginia Railroad to the McCaulley line occupied by J. A. Ellegood's Office, which shall be thirty-five feet wide until the necessities of the Town demand that it shall be of greater width, when it shall be made sixty feet wide. That the alley or road running north from Main Street on the east side of the Delaware, Maryland and Virginia Railroad land shall be twenty feet wide. That the alley running east and west within the said limits shall be called King's Alley and is twenty feet wide. That the alley running east and west shall be called Short's Alley and is twenty feet wide. That the Public Road running from the State Road in an easterly direction within the limits of the said Town shall be called State Street and is thirty feet wide. That the street running north from Willow Street to Main Street shall be called Ponder Street and shall be forty feet wide. That the public Road running north

OF CITIES AND TOWNS.

from Main Street shall be a continuation of Ponder Street within the limits of the Town and shall be forty feet wide.

Section 3. That there shall be a Board of Commissioners of the Town of Ellendale to be composed of Five members. Commissioners named. That Joshua A. Ellegood, Harry W. Jester, Harvey Coverdale, Martin L. Welch and David M. Donovan, shall by this Act be appointed to serve as Commissioners of said Town from and after the passage hereof until such time as Commissioners may be duly elected; and that an election shall be held in Ellendale on the first Saturday in January next after the passage of this Act for five Commissioners, two of said Commissioners shall be chosen for a term of one year, or until their successors are duly elected and qualified, and three of said Commissioners shall be chosen for a term of two years, or until their successors are duly elected and three of said Commissioners shall be chosen for a term of two years or until their successors are duly elected and qualified. Election. At least three of the said Commissioners shall be resident freeholders of the Town of Ellendale at the time of their election. Terms. Qualifications.

That the election shall be open at two o'clock P. M. and close at four o'clock P. M. At such election all male citizens of twenty-one years of age and upwards, who shall have paid after the first election the town tax last assessed them, or who shall have become residents of said Town since the last assessment was made and thirty days prior to said election, or who shall have gained their majority since the last assessment was made, shall have the right to vote. Immediately after the election shall be closed the vote shall be counted and the person or persons, as the case may be, having the highest number of votes shall be elected. Polls open. The first election on the first Saturday in January next shall be held by the Justice of the Peace residing in Ellendale or adjacent hereto, who shall, in all respects conduct said election, and make and deliver certificates to commissioners elected, and swear in or affirm the same, as fully as the Alderman and his assistants who are hereinafter empowered to hold all subsequent annual elections, and all annual elections thereafter shall be held by the Alderman and any two of the Commissioners, who hold over, to be chosen by the Board of Commissioners at a previous meeting to be held prior to the election. Qualification of electors. The Alderman shall receive the ballots and deposit them in a box to be prepared Plurality elects. Election officers. Certificate of result. Alderman to receive ballots.

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Canvassing vote.	for that purpose, and the assisting commissioners shall each keep a list of the voters voting. When the election shall be closed, the Alderman or one of his assistants, shall draw said ballots out of the box, open and read the same and pass the same over to one of the said assistants for his inspection while the third election officer shall tally the votes. In case of a tie of persons voted for, for Commissioners, the Alderman shall give the casting vote; after the result shall have been ascertained, the election officers shall make out certificates and deliver one to each Commissioner elect.
Tie vote.	
Certificates of election.	
Commissioners sworn.	Before entering upon the duties of their respective offices the Commissioners elect shall be sworn or affirmed at the first meeting or any subsequent meeting by the Alderman or any one of the Commissioners holding over.
Absence of Alderman or other election officer, voters may choose person to hold election.	If at any election the Alderman, or any of the persons whose duty it is to hold said election should not be present for that purpose at the time hereinbefore designated, the voters present may proceed to elect some one of their number in lieu of the Alderman or absent persons. A minute of each election containing the names of the Commissioners elect shall be entered immediately after said election in a book provided for the purpose and subscribed by the person holding said election. Said book shall be preserved by the Board of Commissioners and be evidence. If any vacancy shall occur in said Board by death, resignation, removal from the town, refusal to serve, or otherwise, of any member thereof, the remaining Commissioners shall have power to fill such vacancy or vacancies for the residue of the whole term for which the person or persons whose vacancy or vacancies is or are to be supplied, was or were elected.
Minute of election.	
Vacancy, how filled.	
Stated meetings.	Section 4. That there shall be four stated meetings in every year of the said Commissioners, viz., on the first Tuesday in January, April, July and October, at which meetings they may pass all such ordinances, or rules, for the good government of said Town, the improvement of the streets, the paving or other improving of the sidewalks, the proper lighting of the streets, the planting and protection of ornamental trees; and for all other matters relating to said Town, its police, improvement, ornaments and general welfare, as said Commissioners may deem proper. Provided, the same
Ordinances.	
Proviso.	

OF CITIES AND TOWNS.

be not repugnant to the Constitution and Laws of this State and of the United States.

By such ordinance they may impose fines, penalties and forfeitures, and provide for their collection; also the Commissioners shall have authority to call special meetings of the Commissioners whenever they deem such meetings necessary, and at all such meetings they shall have the right to transact any business that they have authority to transact at regular meetings, and the Commissioners shall receive for their services no compensation.

The said commissioners shall, at their first meeting after their election, elect one of their members as President of said Board of Commissioners, whose duty it shall be to preside at the meetings of Council, have a general supervision of all the streets, lanes and alleys in said Town, and of the persons who may be employed by the Town Commissioners; receive complaints of nuisances and other complaints of citizens of violation of laws and ordinances and present the same to the Commissioners at their first meeting for their action; and such infraction or violation of the law to be proceeded on before the Alderman. He shall sign all warrants on the Treasurer for the payment of any money and shall perform such other duties as may be prescribed by any ordinance or ordinances of the Town Commissioners.

Section 5. That the Commissioners herein provided for and their successors in office, shall at their first stated meeting in each year, determine the amount of tax to be raised in said town for that year, not exceeding Two Hundred Dollars, including tax on real and personal property and poll tax, but excluding exonerations and commissions for collections, and shall appoint one or more assessors who may or may not be of their number to make an assessment of persons and property in said Town, and shall appoint a collector and treasurer.

It shall be the duty of the assessor or assessors of said Town, within two weeks from his or their appointment, to make a true, just and impartial valuation and assessment of all the real estate and assessable personal property within said Town, and also an assessment of all the male citizens residing

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Copy of assessment delivered to Board.

in said Town, above the age of Twenty-one years, as well as those owning real estate within the limits at least twenty-five cents per head; and the said assessor or assessors shall forthwith, after making such assessments, deliver to the Commissioners for the time being, a duplicate containing the names of all persons assessed, and the amount of their assessment, distinguishing the real and personal assessment of each. When the assessment is returned the Commissioners shall give five days public notice of the fact, that they will sit together at a certain place and on a certain day, to be designated by them, from one until four o'clock in the afternoon to hear appeals from the said assessments. They shall have power on such day to add or to decrease any assessment. All taxes shall be paid within ninety days from the appeal day, to the Treasurer of said Town who shall receipt for the same.

Appeals.

Taxes when due.

Duplicate of Taxes when delivered to Collector.

At the expiration of the said sixty days the Commissioners shall cause a transcript of the assessment list, covering all unpaid taxes, to be made and delivered to the collector, who shall thereupon collect from each taxable, on his list, his proportion of the tax laid, together with eight per centum (8 per centum) thereof additional for the cost of collecting the same, and shall pay over the whole of the tax so collected to the said Treasurer by the first day of October next after the receipt of his duplicate.

Power of Collector.

The Collector shall have the same power for the collection of said taxes as are conferred by law on the collectors of County taxes.

Funds of town, used for what purpose.

Section 6. That the Commissioners, or a majority of them, shall have authority to employ, and use the money in the treasury of the Town, for the general improvement, benefit and ornament of said Town, as they may deem advisable, and all the money paid out by the Treasurer shall be paid upon the order of the Commissioners, or a majority of them.

Pavements, how paid for.

Section 7. That any ordinance for the paving or improving of sidewalks, shall apply only to those persons owning the property fronting upon them, who and who alone, shall bear the expense of making the pavements, or other improvements ordered.

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If such ordinance be not complied with within one month the Commissioners may procure the materials and work to be found and done, and collect the expense of the same on ten days' notice by advertisement at three of the most public places in said Town, out of the real or personal estate of the person in default, situate in said Town. The sale may be made by any person whom the Commissioners may depute for that purpose, and if the proper notice has been given the sale shall be valid and shall transfer all the title of the person in default in such property to the purchaser, subject to prior liens and encumbrances. The money realized from the sale shall be paid to the Town Treasurer for the use of the Town.

Commissioners may do work when.

Costs how collected.

Sale, by whom made.

Title acquired.

The Commissioners shall tax and allow the officer making the sale his reasonable costs and the surplus, if any, shall be paid to the owner of the property sold.

Surplus.

Section 8. That the President and Commissioners for the time being shall have the superintendence and oversight of all the roads and streets now opened, or hereafter to be opened, within the limits of said Town, and no overseer of any such roads or streets shall be appointed by the Levy Court of Sussex County; but the said Levy Court shall annually appropriate for the repairs of said roads and streets the sum of Two Hundred Dollars; and shall make an order for the payment thereof to the Treasurer of the Town of Ellendale, for the use of said Town.

Commissioners overseer of streets.

Appropriation by Levy Court.

Section 9. That the Treasurer and Collector shall be severally sworn or affirmed, to discharge their respective duties with fidelity, such oath or affirmation may be administered by any person authorized by the Laws of this State to administer oaths, or by the President of the Board of Commissioners. They shall also before entering upon the duties of their office give bond to the Town of Ellendale with sufficient surety, to be approved by the Commissioners of said Town in the penal sum of double the amount of what may be likely to come into their hands conditioned for the faithful discharge of the duties of their said offices, and for the payment to their successors in office of all sums of money belonging to said Town, which may remain in their hands upon the settlement of their accounts; to which said bonds and condition there shall be annexed a warrant of attorney for the confession of judgment for said penalty.

Officers to be sworn.

Official bonds.

Condition.

Warrant to confess judgment.

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Treasurer to pay orders. The said Treasurer shall pay all orders drawn on him by order of said Commissioners, and signed by the President thereof, out of any moneys in his hands belonging to the said Town.

Treasurer to settle, when. He shall settle his accounts with the said Commissioners annually in the month of January and after and at such other times as the said Commissioners may require.

Compensation. The Treasurer, Clerk and Assessor of said Town shall each receive a reasonable compensation for their services, to be determined by the Commissioners of said town.

Proviso. Provided, the compensation of the said Treasurer, as such, shall not exceed two per cent. on all moneys received by him belonging to said town, and of the Treasurer acting as Collector, shall not exceed eight per cent. on the taxes collected by him.

Alderman. Section 10. That the Town Commissioners, at their first meeting, or as soon thereafter as convenient, shall annually proceed to elect by ballot some suitable person, resident in said Town, to be alderman of the Town of Ellendale, who may or may not be a Justice of the Peace, resident of said Town, to serve as such for the term of one year, and until his successor shall be duly elected, subject, however, to be removed from office at any time, by a vote of two-thirds of all members of the Board of Town Commissioners.

Term of.

Oath of. Before entering upon the duties of his office, he shall be sworn or affirmed by the President of the Board of Commissioners, or by one of the Commissioners to perform the duties of this office with fidelity.

Town Constable. Section 11. That the Commissioners of said Town may appoint such number of town constables as shall be deemed necessary, who shall constitute the Town police.

The Commissioners of said Town shall also have power and authority to remove any of the constables at any time and appoint others in the place of those removed, if it shall be deemed necessary to make such appointment.

Town Clerk. Section 12. That the Commissioners shall appoint a Town Clerk, who may or may not be one of their number,

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who shall keep a record of the proceedings of the Commissioners, and the same shall be evidence. Duty of.

Section 13. The said Commissioners shall have power to locate and lay out new streets, lanes or alleys, or to straighten, widen or extend those streets now existing, and to fix the compensation for the land so taken. Commissioners may open streets.

Whenever land is wanted for any of these purposes it shall be the duty of said Commissioners as soon as the survey and plot is made, to notify the owner or owners of the said real estate through or over which such street, lane or alley may run, of their determination to open, widen or extend the same, and to furnish a general description of the location thereof, and also the amount of the damages or compensation allowed to each, and if such owner be not resident within said Town, to notify the holder or tenant of said real estate, but if there be no holder or tenant of said real estate resident in said town, the said notice may be affixed to any part of the premises. Survey and plot. Notice to owners. Damages.

If any owner be dissatisfied with the amount of compensation or damage allowed by the said Commissioners, he or she may, within ten days after such notice as aforesaid, appeal from the said assessment of compensation or damages by serving a written notice to that effect on the President of the Board of Commissioners. In order to prosecute said appeal, such owner or owners shall within fifteen days after the expiration of the ten days allowed for appeals, and upon ten days notice to the President of the Board of Commissioners make written application to the Associate Judge of the Superior Court of the State of Delaware in and for Sussex County, for the appointment of a commission to determine the amount of damages, and thereupon the said Associate Judge shall issue a commission under his hand, directing five freeholders of the said County three of whom shall be resident of the said Town of Ellendale, and two of whom shall be non-residents of the said Town, commanding them to assess the damages which the owner of the real estate, through or over whose lands the said street, lane or alley shall pass, who shall have notified the said Commissioners of his intention to appeal, may incur by reason thereof and to make return of their proceedings to the said Associate Judge at a time therein appointed. Appeal from amount of damages. Commission to assess damages appointed by whom. Return of Commission.

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Freeholders
sworn view
premises and
make return.

The freeholders named in said commission being first sworn or affirmed as in said commission shall be directed, shall view the premises, and they, or a majority of them, shall assess the damages as aforesaid, and shall make return in writing of their proceedings in the premises to the said Associate Judge, who shall deliver said return to the said Commissioners of the said Town of Ellendale, which return shall be final and conclusive.

Return final.

The said Associate Judge shall have power to fill any vacancy in said Commission.

Damages to be
paid, when.

The amount of damages being so ascertained, the Town Commissioners may pay or tender the same to the person or persons entitled thereto within one month after the same shall have been finally ascertained, or, if the person or persons so entitled reside out of or are absent from the Town of Ellendale during the said period of one month, or are minors, then the same may be deposited to his or her credit in the Farmers' Bank of the State of Delaware, at Georgetown, within said time and therefore the said lands or property may be taken and occupied for the uses aforesaid.

When may be
deposited
in Bank.

If in the ascertainment and assessment of damages by the freeholders appointed by the Associate Judge as aforesaid, the damages shall be increased, the cost of the appeal shall be paid by the Treasurer of the Town out of any moneys in his hands belonging to the said Town of Ellendale but if the damages shall not be increased, the cost of the appeal shall be paid by the party appealing.

The fees of the freeholders shall be one dollar per day each and shall be taxed as part of the costs.

After the damages shall be fixed and ascertained as aforesaid, the Town Commissioner shall have the option to pay the damages assessed within the time aforesaid and proceed with the said improvements, or, upon the payment of the costs may abandon the said improvements.

Section 14. Any land so condemned shall be for the purpose set forth in the proceedings and none other; and, if abandoned for that purpose, shall revert to the owner. No land shall be taken until paid for.

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Section 15. The said Commissioners shall have the power to regulate the streets, lanes, alleys and sidewalks of said Town, and lighting of the same, and may direct the sidewalks, or any part thereof, to be paved or otherwise improved, at the expense of the owner of the ground adjacent.

Commissioners, power over streets.

On complaint of any citizen to examine any chimney, stove-pipe, fixture or any other matter dangerous to the Town, and if adjudged dangerous, to require and compel it to be repaired, remedied or removed; to prevent and remove nuisances therein, to prohibit the firing of guns or pistols, or any dangerous sport or practice; and to prevent or suppress any noisy or turbulent assemblages within the Town and generally they shall have all the powers necessary to preserve and maintain peace and good order in said town. Provided, however, that the commissioners herein named, or their successors, shall have no power or authority to open, lay out or build any Streets, Lanes, Alleys or Side-walks on the lands of the Delaware, Maryland and Virginia Railroad Company, except by permission of the said Railroad Company.

Nuisances.

Riots.

Proviso.

Railroads consent necessary before opening street on lands of.

Section 16. The said Commissioners shall have power and authority to enact ordinances to preserve the health of citizens of said town, and to prevent the introduction of infectious or contagious diseases; to enact ordinances regulating travel over and upon the streets, lanes and alleys of said Town and the use thereof, to enact ordinances regulating the running at large, keeping or harboring of dogs, and may provide for the registering of same; and may also provide suitable penalties for the violation of any of said ordinances.

Ordinances respecting infectious diseases.

Streets.

Dogs.

They shall also have full power and authority to exempt from Town taxation any manufacturing plant which may be established within the limits of said Town, for any term not exceeding ten years.

Exemption from tax.

Section 17. The Commissioners shall have power to levy a special tax to pay for right of way, charge and costs incidental to the widening, straightening, extending and laying out and opening new streets, lanes or alleys.

Special tax, for what purpose levied.

Three Commissioners shall constitute a quorum to do business, but in determining the necessity or propriety of laying out of new streets, when the same may require a special

Quorum.

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tax, at least three shall concur in favor of doing so. The yeas and nays shall be taken and recorded on the minutes on any vote when required by a member.

Yeas and nays recorded.

Riots. Section 18. That it shall be the duty of the Alderman of said Town, and of the constables, to suppress all riotous, turbulent, disorderly or noisy assemblages or gatherings of persons in or about any building used for any fair, festival, concert or any social, literary or religious meetings or any entertainment whatsoever, or in the streets, lanes or alleys of said Town, at any time or season whatever, to prevent all gatherings whatever, which may obstruct or interfere with the free use of the streets, lanes, alleys, sidewalks; and for this purpose it shall be the duty of any of said constables to seize and arrest any such person so offending, and take him or them before the Alderman of said town, whose duty it shall be to hear and determine the case, and upon conviction before him, the Alderman shall sentence any such person so convicted, to pass* a fine not exceeding Ten Dollars, and may commit the party or parties to prison for a period not exceeding thirty days, or until said fines and costs be paid.

Constable may arrest.

Alderman to hear.

Fine.

Alderman on complaint to issue warrant.

It shall be the duty of the Alderman of said Town upon complaint made before him of any such riotous, turbulent or noisy assemblages or gatherings as aforesaid, to issue his warrant to any of the constables aforesaid, commanding him to arrest and bring any such person so offending as aforesaid before him for trial.

Arrest under writ.

It shall be the duty of the constables aforesaid, or any one of them, to arrest any drunken or disorderly person they may see on the streets of said Town, and to take such person so arrested before the Alderman of said Town, who shall proceed forthwith to hear and determine the case and upon conviction before him he shall sentence such person in the same manner and to the same punishment provided in this section for the punishment of persons brought before him for the offence in this section first enumerated.

Hearing on writ.

Penalty.

Alderman may continue case.

If upon view of the person or persons who may be brought before the Alderman of said Town for violation of this section, it shall appear to the Alderman that in his judgment

*So Enrolled.

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such person or persons are not in a condition to be heard or tried, he may use his own discretion in fixing or appointing a time for trial for all such person or persons brought before him for violating this section.

The fee to the Alderman of said Town for the trial of any cause under this section shall be fifty cents, and to the constable making the arrest, fifty cents. Fees.

In case of commitment, the constable shall receive an additional fee of Two Dollars, and the keeper of the jail shall be entitled to a fee of fifty cents for each commitment, whether by constable or by the Alderman of said Town and he shall be entitled to the same pay for board of the person so committed as is allowed by the Levy Court for board of prisoners.

In cases not herein provided for, the fees of the Alderman and constables shall be the same paid to Justices of the Peace and constables in like cases.

Section 19. The said Commissioners shall provide the Alderman with a suitable docket and the Clerk and Treasurer with suitable books which shall belong to the town, and the said Alderman and Clerk and Treasurer shall surrender them in good condition, together with all papers belonging to their respective offices to their successors, at the expiration of their terms. Alderman's docket. Town records.

Section 20. This Act shall be deemed and taken to be a public Act.

Section 21. This Act shall not become effective until it shall have been approved by a majority of the voters in the Town of Ellendale legally qualified to vote at the last General Election in this State and who have not since been disqualified under the election laws of the State of Delaware. And Robert A. Wood, Dr. Frank E. Sanson and John Prettyman, are hereby appointed a Committee to provide for, regulate and announce the result of said Election, the same to be held on the first Saturday of April A. D. 1905. Act not effective until approved by voters at election.

Approved, March 30, A. D. 1905.

OF CITIES AND TOWNS.

CHAPTER 187.

OF CITIES AND TOWNS.

AN ACT to re-incorporate the Town of Frankford.

Preamble.

Whereas, Under an Act entitled "An Act to Incorporate the Town of Frankford," approved March 17, 1903, being Chapter 438, Volume 22, Laws of Delaware, provision is made for holding an election on the second Saturday in June after the approval of said Act;

Preamble.

And Whereas, Such election was not held and by such failure, said Act of Incorporation became null and void; Therefore,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each House of the General Assembly concurring therein):

Chapter 438,
Volume 22,
revived,
renewed and
re-enacted.

Section 1. That the said Act entitled "An Act to Incorporate the Town of Frankford" approved March 17, 1903, being Chapter 438, Volume 22, Laws of Delaware, which has become void on account of the reasons hereinbefore stated, be and the same is hereby revived, renewed and re-enacted, and together with the provisions therein contained are respectively declared to be in full force and effect, and the said Charter incorporating the said Town shall have a perpetual existence.

Section 7 there-
of amended
prohibiting
Town Council
to open street,
etc. over
lands of
religious
corporation.

Section 2. That Section 7 of said Act of Incorporation be amended by adding at the end thereof the following, which shall after the approval of this Act, become and form a part of said Section 7 of said Act: "Provided the Town Council shall have no authority or power to locate, lay out, open or widen any new street or streets, lane or lanes, alley or alleys, through or over lands belonging to any Religious Corporation or Society within the Town Limits, or re-open any old street or streets, lane or lanes, alley or alleys now closed belonging to any Religious Corporation or Society aforesaid."

Approved, March 23, A. D. 1905.

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CHAPTER 188.

OF CITIES AND TOWNS.

AN ACT to amend Chapter 765, Volume 19, of the Laws of Delaware, entitled "An Act to re-incorporate the Town of Georgetown" (by changing the date of the annual town election; by defining the qualifications of electors; by increasing the amount that may be raised by taxation; and by increasing and defining the powers of the Town Treasurer).

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein):

Section 1. That Chapter 765, Volume 19, of the Laws of Delaware, entitled "An Act to re-incorporate the town of Georgetown" be and the same is hereby amended by striking out the word "Saturday" in line 5 of Section 2 of said Act, and inserting in lieu thereof the word "Monday".

Chapter 765, Volume 19, amended changing date of town election.

Section 2. That Chapter 765 as aforesaid be and the same is hereby further amended, by striking out the words "at such election every male citizen in said town who shall have attained the age of twenty-one years, and is a taxable of said town, shall have the right to vote" in lines 16, 17 and 18 of said Section 2 of said Act, and inserting in lieu thereof the words "At such election every male citizen of said town who shall have attained the age of twenty-one years, and is a taxable of said town, and who shall have paid all taxes levied against him by said town, shall have the right to vote".

Qualification of electors.

Section 3. That Chapter 765 as aforesaid be and the same is hereby further amended by striking out the word "fifteen" in line 7 of Section 6 of said Act and inserting in lieu thereof the word "twenty-five".

Amount of tax which may be raised.

Section 4. That Chapter 765 as aforesaid be and the same is hereby further amended by inserting after the word "levies" and before the word "The" in line 17 of Section 17 of said Act, the words "and also all the powers as are given by law to the collector of the school rates and levies".

Power of Treasurer.

OF CITIES AND TOWNS.

Annual state-
ment to be pub-
lished when.

Section 5. That Chapter 765 as aforesaid, be and the same is hereby further amended by inserting between the words "town" and "The" in line 4 of Section 13, of said Act, the following "one month before the annual town election."

Section 6. The Secretary of State be and he is hereby authorized and required to publish the Act to which this is an amendment as the same was amended by Chapter 192, Volume 22, Laws of Delaware and as hereby amended.

Approved, April 3, A. D. 1905.

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CHAPTER 189.

OF CITIES AND TOWNS.

AN ACT to reincorporate the Town of Georgetown.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring):

Section 1. That the limits and bounds of Georgetown shall extend to the distance of one-half of a mile in every direction from the centre of the public square of the said town. Provided that all lots, pieces and parcels of land included within the limits of the town as herein set forth, exceeding one acre in quantity, shall be exempt from taxation for the uses and purposes of the said town of Georgetown, but all such lots, pieces and parcels of land exceeding one acre aforesaid, having a dwelling thereon, shall be taxed as and for one town lot.

Limits and boundaries of town.

Proviso.

Lots of one acre exempt from taxation.

Lots where dwelling is erected; how to be taxed..

And further provided, That it shall and may be lawful for the Town Council of Georgetown, aforesaid, to exempt from assessment and taxation, for the period of ten years, for municipal or town purposes, the real estate of any person or persons or body corporate, within the limits of said town, upon which any manufactory or other industrial improvement for the employment of labor is now or may after the passage of this act be erected.

Proviso..

Lawful to exempt for ten years real estate upon which manufactory is erected.

And further provided, That such real estate as before described, and having been exempt by said commissioners, shall be exempt from assessment and taxation for school purposes for said period of ten years.

Proviso.

School tax exemption.

The said exemption to apply to all persons or corporations doing an actual annual business of ten thousand dollars, to the buildings, fixtures, machinery or attachments thereto belonging, and any adjacent land that may be necessary to their operation. And in the event of any question as to the amount of property so to be exempted from assessment and

To what exemption shall apply.

Amount of exemption to be determined by Commissioners

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taxation under this act it shall be determined by the Town Council of Georgetown.

Plot and survey.

The Town Council of Georgetown may, at any time hereafter, cause a survey and plot to be made of the said town, and the said plot, when so made, and approved by the said commissioners, shall be recorded in the Recorder's Office in and for Sussex county, and shall be evidence in all courts of law and equity in the State.

Where to be recorded.

Shall be evidence.

Election.

Section 2. That an election shall be held in Georgetown, Sussex county, on the first Saturday of March next, at the place where the general elections are now held, from one o'clock till three in the afternoon, and thereafter on the first Monday of every March at such time and place as shall be determined and fixed by the town commissioners, due notice whereof shall be given the said commissioners at least five days before said subsequent election, for an alderman, five commissioners, an assessor and treasurer. The said alderman and commissioners and the assessor and treasurer shall be residents of and freeholders in said town. The votes shall be received by a State's justice of the peace in said town, and the result of the balloting for said alderman, commissioners, assessor and treasurer shall be ascertained by himself and two citizens of said town selected by him to assist in holding said election.

Place.

Time.

Annually thereafter in March.

Notice of election.

Officers to be elected.

Qualifications.

Votes; by whom received.

Votes; by whom ascertained.

Voters, their qualifications.

At such election every male citizen of said town who shall have attained the age of twenty-one years, and is a taxable of said town, and who shall have paid all taxes levied against him by said town, shall have the right to vote.

Judges of election.

The justice of the peace and the two citizens aforesaid shall be judges of the election and shall decide on the legality of the votes offered. Immediately after the election is closed the votes shall be read and counted, and the persons having the highest number of votes shall be declared duly elected, and shall continue in office one year or until their successors are duly elected. In case of a tie of persons voted for under this act the alderman shall give the casting vote.

Term of office one year.

Tie vote; by whom decided.

Minutes of election.

Contents of.

Immediately after such election, the person or persons under whose superintendence the election is held shall enter, in a book to be provided for that purpose, a minute of such

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election, containing the names of the persons chosen alderman, commissioners, and assessor, and treasurer, and subscribe the same, and shall give to the alderman, commissioners, assessor, and treasurer elect certificates of their election. The book containing such minutes shall be preserved by the commissioners and shall be evidence.

Certificates of election.

Minute book shall be evidence.

Section 3. That the Town Council of Georgetown, to be elected as hereinbefore prescribed, and their successors in office, shall be and they are hereby created a body politic and corporate in law and equity, and the said Town Council of Georgetown, and their successors, shall be able and capable to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in all courts of judicature whatsoever in this State by the corporate name of the "Town Council of Georgetown," and may have and use a common seal with device or devices as they shall think proper, with power to alter or change the same as may be deemed expedient, to purchase, take, hold, receive and enjoy any messuage, land, tenements or hereditaments, in fee simple or otherwise, and also goods and chattels, rights and credits, and to alien, grant, devise, sell and dispose of the same in such manner and form as they may deem expedient; provided, nevertheless, that there is hereby reserved to the legislature the power and authority to repeal this act, or any part thereof, or any other law which may hereafter be enacted respecting the said town.

Commissioners to be a body politic.

Corporate title.

Corporate powers.

Proviso.

Section 4. That the person elected as alderman aforesaid of said town shall have, within the limits of said town, all the powers, authority, jurisdiction and cognizance of a justice of the peace of and over all breaches of the peace and other offenses within said town, to arrest and hold to bail, or fine and imprison all offenders, and of and over all fines, forfeitures and penalties which may be prescribed by any law of the State, or by ordinances of the town commissioners, regularly passed and established for the government of the said town; and of and over all neglects, omissions or defaults of the town constable or bailiff, assessor, or treasurer, or any other person or officer whose duty it may be to collect, receive, pay over or account for any money belonging to said town, or to execute or obey any law or ordinance thereof; provided that he shall not impose any fine exceeding ten dol-

Jurisdiction and powers of Alderman.

Proviso.

OF CITIES AND TOWNS.

Limit of authority of Alderman.	lars, nor have jurisdiction in any civil matter other than to carry out the provisions of this act, or the rules and regulations adopted for the government of said town by the persons authorized to adopt the same under this act. The fees of said
Fees.	alderman shall be the same as are allowed justices of the peace
Duty of Alderman to keep a record book.	for similar services under the law of this State. It shall be the duty of the alderman to keep a book of record or docket, to be called the "Alderman's Docket of Georgetown," to be provided by the commissioners aforesaid, in which all his
Entry of official acts.	official acts shall be entered; and he shall, upon expiration of his term of office, deliver over to his successor all the books,
To be delivered to successor in office.	papers, etc., pertaining to his office within ten days after the election and qualification of his successor, and in default of so
Penalty for default.	doing he shall forfeit and pay, for the use of the said town, the sum of twenty dollars, to be recovered before the succeeding
Vacancies during term; by whom filled.	alderman or any justice of the peace residing in said town. If any vacancy shall occur in the office of alderman, commissioner, assessor, or treasurer, of the town of Georgetown, by death, resignation, removal from office, or otherwise, such vacancy or vacancies may be filled by the commissioners aforesaid, at any meeting thereafter, for the residue of the term.
Oath of officers.	Section 5. That the alderman, commissioners, assessor and treasurer, aforesaid so elected, shall, before one of the justices of the peace in the said town be duly qualified by oath or affirmation to perform the duties of their offices respectively to the best of their knowledge respectively and without favor or partiality, and after being so qualified the
Organization of Commissioners	said commissioners, at their first meeting after each election, shall choose a president and a secretary from their numbers, who shall continue during their term of office; and if, by
Term.	death or otherwise, the place of president or secretary shall become vacant, the commissioners, or a majority of them, at their next meeting thereafter, are hereby authorized to fill
Vacancies in organization; how filled.	said vacancy out of their own numbers as aforesaid. All the commissioners shall act, but the decision of a majority shall govern. The officers so appointed, after being qualified as aforesaid shall have all power in like manner and be subject to all penalties the same as those duly elected to said
Acts of majority shall govern.	office or offices.
Duties of President.	That the president of the Town Council of Georgetown shall preside at all of its meetings, appoint all committees, re-

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ceive complaints of nuisance, and other complaints of citizens of violation of law and ordinances and to present the same to the commissioners aforesaid at their first meeting for their action. And such infraction or violation of the law or ordinances as require immediate action to cause the same to be proceeded on before the alderman.

Violation of ordinances; how proceeded on.

It shall be the duty of the secretary to record all the proceedings of the said commissioners and keep a correct journal of the same in a book or books provided for the purpose, and also the papers relative to the said town, all of which are to be carefully preserved and delivered to his successor in office. He shall issue and sign all licenses for every exhibition within the town of Georgetown, which by Section 1, Chapter 51 of the Revised Code of 1874, a license therefor is required; he shall sign all warrants on the treasurer for the payment of any money, and shall perform such other duties as may be prescribed by any ordinance or ordinances of the commissioners aforesaid.

Duties of Secretary.

Section 6. That the commissioners for the time being, or a majority of them, shall have the superintendence and oversight of all roads and streets, lanes, alleys, squares and gutters in said town to be repaired, supported, regulated, removed and amended in any manner they may deem most proper for the convenience and interest of the citizens of said town, and shall cause a fund, not to exceed Twenty-five hundred dollars in any one year, to be raised by way of tax upon persons authorized to vote for commissioners by this act, and upon all lands and tenements and interest in said lands and tenements within the limits of said town, to discharge the expenses of repairing the said streets, lanes, alleys, bridges, squares and gutters or for any other purpose that will contribute to the safety, convenience and prosperity of said town.

Duties of Commissioners

Commissioners shall raise \$2,500 by taxation to repair streets, etc.

That the commissioners for the time being, or a majority of them, shall have the power, upon the application of five or more citizens of said town by petition to them for that purpose, to locate, lay out and open any new street or streets or reopen old street or streets, which five or more citizens of said town may desire to be located and laid out and opened or reopened, allowing to the persons respectively through or over whose grounds such new street or streets or old street or streets may run such compensation or damages therefor as

Power of Commissioners to lay out streets.

Compensation to land owners.

OF CITIES AND TOWNS.

How paid. they shall deem just and reasonable under all circumstances, which compensation, if any be allowed, shall be paid by the treasurer of the town out of the moneys of said town on warrant drawn on him by the commissioners aforesaid.

Levy Court of Sussex County to appropriate \$750 for repairing streets.

That the Levy Court of Sussex county be and they are hereby directed, in making the appropriation of the sum of the road tax to be paid to the overseers of roads annually, to make an order for the payment to the Town Council of Georgetown of the sum of seven hundred and fifty dollars, to be by them expended in repairing and maintaining in proper order the roads, streets, lanes, alleys, bridges and squares within the limits of said town; and the said commissioners shall have the sole supervision of said roads, streets, lanes, alleys, bridges and squares, provided that the said levy court shall not make the appropriation of said sum until the Town Council of Georgetown shall have certified that the said sum has been expended during the preceding year for the purposes aforesaid.

Commissioners to have sole supervision of streets.

Certificate of Commissioners as to expenditures.

Section 7. That whenever the commissioners shall have proceeded to locate and lay out any new street or reopen old street, and shall have fixed the compensation therefor, it shall be their duty, immediately after the survey and location of said street, or reopening old street, to notify, in writing, the owner or owners of the real estate through or over which such new or old street may run of their determination to open the same, and to furnish a general description of the location thereof, and also the amount of such damages or compensation allowed to each, and if such owner be not a resident within the said town to notify the holder of said real estate, but if there be no holder or tenant resident in said town the said notice may be affixed to any part of the premises. If any owner be dissatisfied with the determination to lay out and open the said street, or with the amount of the compensation or damage, he may, within ten days after receiving notice from the commissioners as aforesaid, appeal from the said determination or assessment, or both, by serving written notice to that effect on the said commissioners or any one of them. In order to prosecute said appeal such owner or owners shall, within ten days after the expiration of the ten days allowed for appeals, apply to either justice of the peace re-

Notice to land owners when street is laid out.

Damages.

Service of notice to non-resident.

Right of owner to appeal.

Notice of appeal.

Proceedings on appeal.

OF CITIES AND TOWNS.

siding within said town, who shall, within three days thereafter, and upon notice to the said commissioners or any one of them, select and write down on a list the names of twenty-one judicious and impartial freeholders, nine of whom shall be freeholders of Georgetown hundred, owning no real estate in said town, and not residing within its limits, and the remaining twelve shall be freeholders of said town, owning real estate therein, and residing within its limits. The said commissioners shall, upon receiving said notice from the justice, immediately notify all persons owning real estate on the said street and residing in the said town, who have notified them of their intention to appeal, of the time and place when and where the said names shall be selected, and at the time and place mentioned in the notice of the justice, the said appellants, or as many of them as choose, and the said commissioners shall attend.

Notice to residents.

Appeal; where held.

The appellants, their agent or attorney, shall first strike out one of said names, and the commissioners, their agent or attorney, shall strike out another, until each shall have struck out seven; such striking shall be so confined and regulated as to leave seven remaining freeholders, located as follows, to wit: four resident in said town and three residing out of said town, who shall constitute the freeholders who shall determine concerning the necessity of said street and assess the damages of all owners of real estate through or over whose ground the said street shall run who shall have notified the commissioners of their intention to appeal, and their award and assessment shall be final, and a copy thereof shall be communicated to all parties, appellants and commissioners. In case either side, commissioners or appellants, be not represented before the justice, or shall refuse to strike, the justice shall strike for the party so absent, neglecting or refusing. Any party appellant or commissioners may, within ten days after the appointment of said freeholders, and upon five days notice to the other parties resident in said town, or in case of non-residents notice to the holders of any real estate, call out the freeholders aforesaid, who shall thereupon proceed, upon oath or affirmation, to inquire of the necessity of such street, and in case they deem such street to be necessary, to assess the damages of the several owners. Their award shall be made within twenty days from the time of notifying them to

Freeholders to try appeal, how chosen.

Assessment of damages.

Award to be final.

Justice to act for party refusing.

Freeholders to proceed under oath.

Award; when to be made.

OF CITIES AND TOWNS.

Penalty for freeholder's refusal to serve. meet. If any freeholder thus appointed and notified shall refuse to serve he shall forfeit the sum of twenty dollars, to be recovered in an action of debt before the alderman or any justice of the peace of Sussex County in the name of the Town Council of Georgetown for the use of said town. The

How recoverable. said justice of the peace shall have the power to fill any vacancy in the commission. If in case the award of the freeholders shall be against the necessity of any such street, then no petition for any such new street so condemned shall be entertained by the commissioners then acting during the term for which they were elected.

Justice may fill vacancy.

Action of commissioners on award.

Acts of majority of freeholders valid. The act of a majority of said freeholders shall be as good as the act of the whole in making any such award or assessment of damages.

When costs of appeal to be borne by town. Section 8. That if on any such appeal the award shall be against the necessity of a street or the freeholders shall increase the damages of any appellant, then the costs of the appeal shall be borne by the town.

When costs shall be borne by appellant. But if the freeholders shall affirm the necessity of the street, and shall not increase the damages of any appellant, then the costs shall be paid by the appellants equally. That

Damages; when and how to be paid. the damage which may be assessed upon the occasion of opening any new street shall be paid out of the funds of the town, or duly tendered, before the property of any person, in whose favor the damages are assessed, shall be appropriated for the opening of any such streets, and in case of any such owner or owners in whose favor any such damages are assessed shall be a minor, non-resident, or refuse to receive or be incapable for any cause of receiving the same, such damages may be deposited in the Farmers' Bank of the State of Delaware at Georgetown, or any other banking institution which may at the time exist in said town, to the credit of such person or persons and subject to his or their order, and such deposit shall operate as payment. The fees of the freeholders shall be one dollar per day. After the damages shall be fixed and ascertained by the freeholders, the commissioners aforesaid shall have the option to pay the damages assessed as aforesaid and to proceed with the said improvements; or, upon payment of the cost only, may abandon the proposed improvements.

Damages due minor; how paid.

Fees of freeholders.

Option of commissioners to pay damages or to abandon improvements.

OF CITIES AND TOWNS.

Section 9. That the said commissioners shall have authority to make such regulations and ordinances for the government of the town as they shall deem proper and necessary, and they are hereby authorized and required to provide sanitary measures for the health of the citizens, and to prevent the introduction of infectious or contagious diseases, for which purpose their jurisdiction shall extend at any distance within one mile of the limits of said town, and cause all obstructions and nuisances that may at any time be and exist within the limits of said town, whether in the streets, lanes, alleys or gutters, on the sidewalk, or in any other place within the limits aforesaid, to be removed and abated. The said commissioners, or a majority of them, may proceed, either upon their own view or upon complaint of any other citizen, in writing, stating the character of said nuisance or obstruction and where the same exists.

Powers of commissioners for government of town.

Jurisdiction as to contagious diseases.

May remove nuisances.

If the said commissioners, or a majority of them, either upon such information or upon view, shall determine that an obstruction or nuisance exists and ought to be removed, they shall give notice, in writing, to the person causing such obstruction or nuisance, or who is responsible for its existence or continuance, to remove or abate the same, and if such person shall refuse or neglect, for the space of two days after such notice, to remove or abate the said obstruction or nuisance, he shall forfeit and pay the sum of ten dollars with costs, to be recovered by the Town Council of Georgetown, for the use of the town, in the same manner as debts of that amount are recoverable; and for every additional day the same shall remain unremoved and unabated he or she shall forfeit the further sum of ten dollars, to be recovered with costs in the same manner. The commissioners aforesaid may also pass ordinances to protect shade trees planted along any streets, lanes or alleys, or upon any square within the town limits; to ascertain and fix the boundaries of streets, squares, lanes and alleys, or to repair and improve the same, or to alter, extend or widen any street, square, lane or alley, or open or lay out new ones, subject to the provisions in that behalf herein contained; to regulate and fix the ascents and descents of all streets, lanes and alleys, and the drainage thereof; and to direct the paving and graveling of footpaths and prescribe the width thereof; to regulate and provide for

Notice to person causing obstruction or nuisance.

Penalty for refusal or neglect to remove.

How recoverable.

Further delay; penalty for.

Further powers of commissioners.

OF CITIES AND TOWNS.

the making of gutters and the placing of gutter-stones or plates therein, and for curbing, wherever in their opinion such paving or graveling, making of gutters and the placing of gutter-stones or plates therein, and curbs, may be necessary and proper; to prescribe the extent of steps, porches, cellar-doors, and other inlets to lots and buildings.

Commissioners
authorized to
direct property
owners to pave.

Section 10. That the commissioners, or a majority of them, be and they are hereby authorized and required, upon the written petition of five or more freeholders, to direct, in writing, the owner or owners of any house or land in Georgetown before or in front of which they may deem proper that a pavement should be made, to curb and lay a pavement, or either, or both, of brick or smooth stones, of such length and width as the said commissioners may specify.

If owner neglect, commissioners may proceed to have paving done.

In the event of any owner neglecting to comply with said notice for the space of three months, the said commissioners may proceed to have the same done, and when done, the treasurer of the town shall, as soon as convenient thereafter, present to the owner or owners of such lands a bill, showing the expense of such paving and curbing or either, or both; if such owner or owners be not resident in the town of Georgetown, such bill may be presented to the occupier or tenant of such land, or, if there be no occupier or tenant resident of said town of Georgetown, such bill may be sent by mail to such owner or owners, directed to him or them at the post-office nearest his or their residence.

Presentment of
bill for paving
done; to whom
made.

Procedure for
collection of
bill.

If such bill be not paid by the owner or owners of such lands within thirty days after the presentation of the same, as aforesaid, then it shall be the duty of said commissioners to issue a warrant, in the name of the Town Council of Georgetown, under the hand of the president, attested by the secretary of said commissioners, and under the seal of the said corporation, directed to the treasurer of the Town Council of Georgetown, commanding him that of the goods and chattels, lands and tenements of such owner or owners he shall cause to be levied and made the amount of said bill, together with all costs. It shall be the duty of the said treasurer, as soon as convenient after the said warrant shall be delivered to him, and after ten days notice to the owner or owners of such lands, and after posting five or more notices

Duty of treasurer.

Notice to land owner.

OF CITIES AND TOWNS.

of sale in at least five public places in the town of Georgetown at least ten days before the day of sale, to sell the goods and chattels of said owner or owners at public auction, or so much thereof as may be necessary to pay the amount of said bill, with all the costs. If no goods and chattels of such owner or owners can be found within said town sufficient to satisfy the amount of said bill, with all costs, then it shall be the duty of the said treasurer, after ten days notice to such owner or owners aforesaid, and after posting five or more notices of sale in at least five public places in the town of Georgetown for at least ten days before the day of sale, and after causing such notice of sale to be published twice in one of the newspapers printed in the said town of Georgetown, to sell the lands and tenements of such owner or owners in front of which such paving and curbing, or either, or both, have been done, or so much of said lands and tenements as may be sufficient to satisfy the amount of said bill, with costs, and a deed from the treasurer aforesaid shall convey to the purchaser or purchasers of said lands and tenements as full and complete title, in fee simple or otherwise, as if the same were executed by the owner or owners thereof. The claim for paving and curbing, or either, or both, shall be a lien on the premises in front of which the said work was done, and shall have priority over any lien, incumbrance or conveyance suffered or made by the said owner or owners after the completion of the said improvements.

Sale of chattels.

Notice for sale of lands.

Sale of lands.

Treasurer may make deed to purchaser.

Title to lands sold.

Claim for paving a lien.

Priority.

From the proceeds of the sale of said goods and chattels, or lands and tenements, sold as aforesaid, it shall be the duty of the treasurer as aforesaid to pay all costs arising from the sale to the parties entitled thereto, and to retain for the use of the said town the amount of said bill as aforesaid, and the residue thereof, if any, shall be deposited in the Farmers' Bank of the State of Delaware, at Georgetown, to the credit of the said owner or owners.

Proceeds of sale; how to be applied.

Residue; where to be deposited.

The treasurer aforesaid shall be entitled to receive five dollars for every sale of personal property under this section, and ten dollars for every sale of real estate under this section, together with such additional sum as may be reasonable and proper for the keeping, taking care of such personal property, for selling the same, and for advertising, all of which shall be part of the cost to be paid out of the purchase money

Fees of treasurer for making sale and for incidental expenses.

OF CITIES AND TOWNS.

Effect of notice. as aforesaid. Any notice required by this section to one co-owner shall be notice to all, and in case no owner shall reside in the said town, notice served upon the occupier or tenant shall be sufficient, or if there be no owner or occupier or tenant of said premises resident in said town it shall be sufficient to send notice by mail to any owner of said premises, directed to him or her at the post office nearest his or her place of residence; the provisions hereinbefore contained in this section shall apply to any order made by the commissioners of said town in respect to any pavement, sidewalk, or curb heretofore made or done which the said commissioners may deem insufficient or to need repairing.

Expenses against dower land to be paid by owner of reversion. If any lot or lots, house or houses, on any of the streets of said town of Georgetown shall be held or owned by any widow or widows as and for her dower, such expenses incurred as aforesaid for the lot or lots, house or houses, so held shall be paid by the owner or owners of the reversion in fee simple; and if such owner or owners be minors at the time of such expense being incurred, then to be paid by the guardian or agent acting for such minor or minors out of any money or effects of such minor or minors, and a receipt therefor to such guardian or agent shall be sufficient evidence of such payment and be allowed in his or her guardian or agent's account, and if not paid by the guardian or agent as aforesaid, on the presentation of the bill, the same to remain on interest from the day of presentation and be a lien against such lot and improvements until paid. All subsequent repairs named in this act to be kept up at the expense of the said tenant in dower. The said Town Council of Georgetown, in addition to the provisions of this section hereinbefore contained, shall have power and authority to enforce by ordinance all the requirements of this section by imposing such fines and penalties as shall, in the judgment of such commissioners, be necessary and proper.

Power of Commissioners to establish ordinances When. Section II. That the Town Council of Georgetown shall have power and authority to make, establish and publish such ordinances as they may deem beneficial for the good government of the said town at any meeting. There shall be twelve stated meetings in every year of the said commissioners, to wit: On the first Saturday of each and

Time of holding regular meeting

OF CITIES AND TOWNS.

every month. They shall have and are hereby vested with power and authority to prescribe the fines and penalties for violations of any of the provisions of this act, or of the ordinances which they may enact in pursuance thereof, and which are not specially provided for in this act. All such fines and penalties which may be imposed either by this act or the ordinances enacted as aforesaid may be collected before the alderman of said town or any justice of the peace of said town, and in default of payment, said alderman or justice of the peace may commit for any time not exceeding thirty days.

Power to impose fines.

Collection of fines.

Commitment of offenders.

When and for how long.

Section 12. That the Town Council of Georgetown shall have power to appoint such number of town constables as shall be deemed necessary as shall constitute the town police, with power to remove any such constables and appoint others if it be deemed necessary.

Commissioners may appoint constables.

Section 13. That the Town Council of Georgetown shall cause a statement of their receipts and expenditures to be published once a year in at least one newspaper printed in said town one month before the annual town election. The said commissioners shall be allowed for their attendance at each of said meetings a sum not exceeding one dollar.

Annual statement to be published.

Compensation of commissioners.

Section 14. That it shall be the duty of the constable or constables aforesaid to arrest any drunken or disorderly person they may see on the streets of said town, and take such person so arrested before the alderman of said town, who shall proceed forthwith to hear and determine the case, and upon conviction before him he shall sentence such person or persons so convicted to pay a fine not exceeding ten dollars, and may commit the party or parties to prison for a period not exceeding thirty days, or until such fines and costs shall be paid.

Duty of constable to make arrests.

Hearing.

Sentence.

And the said Town Council of Georgetown shall pay for the board (and commitment fee) of all persons committed to jail for violation of the charter or by-laws of said town at the same rate as is paid the sheriff of Sussex county by the levy court for the board of prisoners.

Board of persons committed to jail.

Payment of.

Section 15. That if any constable shall neglect or refuse to perform any of the duties required of him by this act he

When constable shall be guilty of misdemeanor

OF CITIES AND TOWNS.

Presentment of to grand jury.	shall be deemed guilty of a misdemeanor, and it shall be the duty of the commissioners aforesaid to present him to the grand jury of Sussex county, and upon conviction thereof by indictment he shall be fined in a sum not less than ten or more than one hundred dollars, and may be imprisoned, in the discretion of the court, for any term not exceeding one year, and upon such conviction he shall ipso facto forfeit his office.
Fine and imprisonment.	
Forfeiture of office.	
Annual assessment.	Section 16. That the assessor of the town for the time being shall annually, on or before the first day of April, make a true, just and impartial valuation or assessment of all the real estate within said town, except as hereinbefore excepted, and also an assessment of all the white male citizens residing in said town above the age of twenty-one years, as well those owning as those not owning real estate within its limits; and the said assessor shall forthwith, after making such assessment, deliver to the commissioners for the time being a duplicate containing the names of all the persons assessed and the amount of their assessment, distinguishing the real and personal assessments of each. The commissioners shall assess the real estate and person of the assessor. The commissioners shall, between the first and fifteenth days of April, cause a complete and full transcript of said duplicate to be hung up in a public place in one hotel in said town, there to remain for the space of twenty days thereafter for public inspection; and the said commissioners shall, on the Wednesday next after the expiration of the said twenty days, hold a court of appeals, which shall continue open from nine o'clock, a. m., until twelve m., and from two o'clock, p. m., until five o'clock, p. m., of the said day, when they shall hear and determine appeals from said assessment. Notice of the hanging up of the list, and also, at the same time, notice of the time and place of hearing appeals, shall be given by notices posted in at least six public places in said town. The decision of the commissioners upon any appeals shall be final and conclusive. No commissioner shall sit upon his own appeal, but the same shall be heard and determined by the others.
Duplicate.	
Contents of.	
Commissioners shall assess real estate of assessor.	
Transcript of duplicate; where to be hung up.	
For how long.	
Appeal.	
Where to be held.	
Notice of appeal.	
Decisions of commissioners final.	
Not to sit on his own appeal.	
Adjustment of assessment and rates.	After the valuation and assessment shall be examined and adjusted by the said commissioners, all taxes shall be levied, assessed and raised on the real estate, and persons thus valued

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and assessed in just and equal proportions and rates. The assessor, immediately after his election and before entering upon the duties of his office, shall be sworn or affirmed by some judge or justice of the peace, diligently, faithfully and impartially to perform the duties of his office to the best of his ability, knowledge and judgment, and a certificate shall be made by the person administering the oath or affirmation, in the record book of the commissioners containing the certificate of the election of the alderman, commissioners, assessor and treasurer aforesaid.

Oath of assessor.

Certificate of oath.

Record of.

Section 17. That the commissioners, after having ascertained the sum necessary to be raised on the said town for the purpose of this act, and having apportioned the same on the assessment and valuation aforesaid shall, yearly, in the month of April, or as soon thereafter as convenient, furnish the treasurer of said town with a list containing the names of the taxables, as well the owners of real estate as those not owning real estate, and opposite the names of each the amount of the real estate and his personal assessment, distinguishing between them, and also the tax levied on each person, and also the tax on the whole valuation, and the rate per hundred dollars. The list shall be signed by the commissioners, or a majority of them. The treasurer, immediately after receiving the said list shall proceed to collect the taxes mentioned in the said list, and in collecting the same shall have the same powers as are given by law to the collector of the county rates and levies and also all the powers as are given by law to the collector of the school rates and levies. The treasurer, before he enters on the duties of his office, shall give bond, with sufficient surety, in the penal sum of two thousand dollars, to the Town Council of Georgetown, conditioned for the faithful discharge of the trust reposed in him and the payment over to his successor in office of all such sums of money as may remain in his hands upon the settlement of his accounts.

Tax list to be furnished treasurer by commissioners.

Contents of.

List to be signed by majority of commissioners.

Powers of treasurer in collecting tax.

Duties of Treasurer.
Bond of treasurer.

Conditions of bond.

The said treasurer shall pay all orders draw on him by the said commissioners, or a majority of them, and shall settle his accounts with the said commissioners annually in the month of February, and as often and at such times as they, or a majority of them, shall require. The said assessor and

Payment of money by treasurer.

OF CITIES AND TOWNS.

treasurer shall each receive a reasonable compensation to be determined by the commissioners.

Duty of officers
to maintain
order.

Section 18. That it shall be the duty of the said alderman, commissioners and constable, or any justice of the peace residing in said town, to suppress all riotous, turbulent, disorderly or noisy conduct of any person or persons, or disorderly or noisy assemblages or gatherings of any person or persons in the streets, lanes or alleys or squares of said town, or in any house situated therein, after night, or on the Sabbath day, or at any other time or season whatever, and for this purpose it shall be the duty of the said constable, upon the requisition of the alderman, or any one of the said commissioners, and without further warrant, forthwith to seize and arrest any such person or persons so offending and to carry him or them before the said alderman, or any justice of the peace resident in said town, and upon conviction before the said alderman, or justice of the peace, as aforesaid (whose duty it shall be to hear and determine the case), the said alderman or justice of the peace shall sentence any such person so convicted to pay a fine not exceeding ten dollars and commit the party to the public jail of Sussex county for a period not more than thirty days, or until said fine and costs be paid. It shall be the duty of the said alderman or the justice of the peace, upon complaint made before him of any such riotous, turbulent conduct as aforesaid, or noisy assemblages, to issue his warrant to the said constable, commanding him to bring any such person or persons so offending as aforesaid before him for trial. The fees and emoluments of the said town constable shall be the same as a constable of the county for like services, provided, that he shall not serve any civil process, except to carry out the provisions of this act.

Duty of Con-
stable to make
arrests.

Hearing of
offenders.

Sentence.

Duty of Alder-
man or Justice
to issue
warrant.

Fees of Con-
stable.

Further duties
of officers to
suppress the
use of firearms
and fireworks.

Section 19. That it shall be the duty of the said alderman, commissioners, constable, or justice of the peace, to suppress, extinguish and prevent all bonfires on the public square or in any of the streets, lanes or alleys of the said town, and to suppress or prevent the firing of guns, pistols or the letting off of fireworks, or the making or throwing fireballs within the limits of the said town; and the said commissioners may enact and publish ordinances with reasonable penalties for preventing the same, and punishing persons

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guilty of their violation. Any fine imposed by any such ordinance may be collected before the alderman or justice of the peace within the said town, and in default of payment the said alderman or justice of the peace may commit to the public jail of the county for any time not more than five days. All fines and forfeitures realized under the provisions of this act by the alderman or justice of the peace as aforesaid shall be paid over to the treasurer for the use of the said town.

Fines; how collectible.

Fines shall be paid to Treasurer.

Section 20. That the Town Council of Georgetown shall have full power and control over all ditches and gutters in said town, and all ditch companies, whether created under the laws of the State or corporations, shall not and they are hereby prohibited from taxing any individual for any real estate within said corporate limits, but shall tax the corporation of Georgetown only for the privilege of venting the water from said town into said ditch companies' ditches or canals.

Powers of commissioners respecting ditches gutters, etc.

Corporation only, subject to ditch tax.

Section 21. That an act entitled "An act to incorporate the town of Georgetown," passed at Dover, March 2, 1869, and the several acts amending the same which are inconsistent with this act, be and the same are hereby repealed and made null and void, saving and excepting however from the effect of such repeal, and hereby expressly declaring, that all the ordinances of the town of Georgetown heretofore enacted or adopted, and now in force in pursuance of any law of this State, shall continue in full force and effect until repealed, altered or amended by the commissioners of said town; that all the acts and doings of the commissioners of said town or of any officer of said town, lawfully done or performed under the provisions of any law of this State, or of any ordinance of the commissioners of said town, are hereby ratified and confirmed; that all debts, fines or penalties and forfeitures due said town of Georgetown, and all debts due from said town of Georgetown to any person or persons whatsoever, or to any corporations, are hereby declared to be unaffected and unimpaired by this repeal, and all the laws of this State for the collection and enforcement thereof shall continue in full force and effect until the same shall be fully paid and discharged; that all the powers now conferred by law upon the collector for the collection and enforcement of all taxes in

Acts hereby repealed.

Exceptions.

Ordinances shall continue in force until repealed by Commissioners

Prior acts and doings ratified.

Debts and obligations unaffected.

Collection of.

Collection of taxes.

OF CITIES AND TOWNS.

Official bond
not affected.

Proceedings
unaffected.

said town heretofore assessed and uncollected shall continue in full force and effect until all the said taxes shall be fully collected and paid; that the official bond of the treasurer of said town shall not be affected or impaired by this repeal, and that he and his sureties therein shall continue liable for any breaches of any of the conditions of the said bond; that all proceedings heretofore commenced for the collection of any penalty, fine, forfeiture or debt due said town, under any law or ordinance, shall not be affected or impaired by this repeal, but the same may be prosecuted to judgment and execution until the same be fully paid, liquidated and discharged.

Section 22. That this act shall be deemed and taken to be a public act.

Passed at Dover, April 27, 1893.

Amended and Approved, March 14, A. D. 1901.

Amended and Approved, April 3, 1905.

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CHAPTER 190.

OF CITIES AND TOWNS.

AN ACT to enable the Town of Laurel to borrow the sum of Four Thousand and Dollars (\$4,000) and issue the bonds of the said town therefor.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch concurring therein):

Section 1. That the town commissioners of the town of Laurel be and they are hereby authorized and empowered to borrow on the faith and credit of the said town on the first day of July, A. D. 1905, the sum of Four Thousand Dollars (\$4,000.00) which shall be applied, appropriated and expended for the surveying and plotting and laying out of streets, lanes and alleys and grading the same and introducing thereinto the water, sewerage and lighting systems of the said town in that part of said town lying and being within the borders of Broad Creek Hundred, Sussex County and State of Delaware which has lately been added to the corporate limits of the said town. Any and all moneys which shall remain in the treasury of the said town, derived from the said amount of Four Thousand Dollars (\$4,000.00) herein provided for, after paying for the work and improvements provided for in this section shall be transferred to the general fund in the treasury of the said town.

Authorized to borrow money.

For what purposes money to be used.

Section 2. That the said town commissioners of Laurel, for the purpose of carrying into effect the provisions of this act, shall have full power and authority, and are hereby expressly directed to issue the bonds of the town of Laurel, of such denominations as they shall deem best, bearing interest at a rate not exceeding four (4) per centum per annum, payable semi-annually on the first days of January and July respectively, in each year at the Sussex Trust Title and Safe Deposit Company, at Laurel. The principal of such bonds shall be made payable in thirty (30) years from the date of the issue thereof, the said town commissioners reserving to itself power and authority of redeeming said bonds or any part

Commissioners to issue bonds.

Rate of interest.

Bonds, when payable.

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Proviso. of them, at the expiration of twenty (20) years from the date of the issue of the same. Provided, however, that if the
Redemption of bonds, procedure. said town commissioners elect to redeem any of said bonds at the expiration of twenty (20) years as aforesaid, such election shall be effected on the first days of July and January, and in pursuance of a notice to that effect published by said town commissioners of Laurel for the space of thirty (30) days in two (2) newspapers, one published in the city of Wilmington and one in the said town of Laurel. For the purpose of said notice in said newspaper of the city of Wilmington, publication in four (4) issues, being once each week, shall be sufficient. In calling said bonds for redemption they shall be called consecutively, commencing with the lowest number; the interest on all bonds so called shall cease from the date of the payment thereof, and said bonds when paid shall be cancelled.

Preparation of bonds. Section 3. That the said town commissioners of Laurel shall direct and effect the preparation and printing of the bonds authorized by this act, and shall also prescribe the
Form. form of said bonds, which shall be signed by the President of the said town commissioners and countersigned by the
How executed. Secretary, and shall be sealed with the corporate seal of said town and shall be exempt from all State, County and Municipal taxation; as the said coupons thereon are paid the
Exempt from tax. same shall be cancelled in such manner as the said town commissioners shall direct.

Act, when to be effective. Section 4. That this Act shall not become effective until the approval by the voters of the village called "Brooklyn" of the Act known as "An Act to amend an Act, entitled 'An Act to re-incorporate the Town of Laurel', being Chapter 186, Volume 22, Laws of Delaware, approved March 16, A. D. 1901."

Approved, March 30, A. D. 1905.

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CHAPTER 191.

OF CITIES AND TOWNS.

AN ACT to amend Chapter 186, Volume 22, Laws of Delaware, entitled "An Act to re-incorporate the Town of Laurel", as amended by Chapter 434, Volume 22, Laws of Delaware,—by enlarging the powers of the Board of Commissioners and Alderman of said Town, in relation to the passing of Ordinances for the keeping or harboring of dogs, providing for the registering of the same, regulating their running at large, the imposition of fines for violation of said ordinances, and the collection thereof.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of the members of each branch thereof concurring therein):

Section 1. That Chapter 186, Volume 22, Laws of Delaware, entitled "An Act to re-incorporate the town of Laurel", passed at Dover March 16th, 1901, be and the same is hereby amended by striking out all of Section 22 of said Act, and inserting in lieu thereof the following, to be known as Section 22 of said Act:

That the Board of Commissioners of said town, and their successors in office, shall have power and authority to make such regulations and enact such ordinances as they may deem proper for the safety of the people of the town in relation to the keeping or harboring of dogs, to provide for the registering of the same and regulate their running at large; and for this purpose, the said Board of Commissioners may, whenever they think it necessary or expedient, impose an annual registration fee not exceeding one dollar for every male dog and two dollars for every female dog, may provide for the payment of the same by each and every person owning or harboring such dog or dogs, and the furnishing of a brass tag of not less than one inch in width and one and one-half inches in length, with a number stamped thereon, to be worn around the neck of each dog so resigtered. The said brass tags shall be annually furnished to the Alderman by the secretary of the Board of Commissioners, the cost of which shall be paid out of the moneys collected as registration

Chapter 186,
Volume 22,
amended.

Registration of
dogs.

Ordinances
relating
thereto.

Registration
fee.

Brass tag with
registered
number.

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Registration book. fees. The said Alderman shall keep a suitable book for such registration, and shall make settlement with the Board of Commissioners whenever called upon so to do.

Compensation of Alderman. He shall be allowed a reasonable compensation for his services, the same to be fixed by the Board of Commissioners, and shall not exceed ten per cent. on all moneys received by him as registration fees, to be retained by him out of the moneys so received, and shall pay over the remainder to the treasurer of said town, taking his receipt for the same.

Alderman given jurisdiction to hear and determine complaints of violation of Act. The alderman of said town, upon proper complaint made before him, shall have power to issue a warrant for the arrest of any person violating any of the regulations or ordinances authorized by this Act, and so made and enacted, directed to a town constable for the time being of said town, or to the constable of Sussex County residing in said town, whose duty it shall be to forthwith arrest such person and take him before said Alderman, who shall hear and determine the case, and upon conviction before him the said alderman shall sentence such person to pay a fine not exceeding ten dollars, and may commit the party to prison for a period not exceeding thirty days, or until said fine and costs shall be paid, and may, in his discretion, sentence such person who fails to pay said fine to labor upon the streets of said town, in such manner as the Board of Commissioners of said town may direct, until a reasonable compensation allowed for such work or labor shall be equal to the fine imposed together with the costs of trial; one-half of each and every fine imposed under the provisions of this Act, and paid by the party fined, shall be for the use and benefit of said town of Laurel and paid by the alderman over to the treasurer of said town, and the other one-half shall be paid by the said alderman to the informer, or person making said complaint before him.

Fine.

Penalty.

Fine, to whom payable.

Date of registration. The date for the annual registration of dogs under the provisions of this Act shall be fixed by the Board of Commissioners of said town.

Approved, April 3, A. D. 1905.

OF CITIES AND TOWNS.

CHAPTER 192.

OF CITIES AND TOWNS.

AN ACT to amend Chapter 199, Volume 22, Laws of Delaware, entitled "An Act to re-incorporate the town of Lewes", and the amendments thereto, (said amendments being in Chapter 430 of Volume 22, Laws of Delaware) by enlarging the powers and duties of the Assessor and Board of Commissioners of said Town, in relation to assessments of Real Estate and public or vacant lands.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of the members of each branch thereof concurring therein):

Section 1. That Chapter 199, Volume 22, Laws of Delaware, entitled "An Act to re-incorporate the town of Lewes", Chapter 199
Volume 22
amended. passed at Dover March 7th, 1901, be and the same is hereby amended by striking out all of Section 18 of said Act, and inserting in lieu thereof the following, to be known as Section 18 of said Act, to wit:

That the Assessor of the town for the time being shall annually, within one month after the annual election of Commissioners, make a true, just and impartial valuation or assessment of all the real estate within said town, and of all the public or vacant lands within or without the corporate limits of said town, vested in said town, which shall be occupied, inclosed, or the use or privilege thereof claimed by any person or persons, and also an assessment of all the male citizens residing in said town above the age of twenty-one years, as well those not owning as those owning real estate within its limits; and the said assessor shall forthwith, after making such assessment, deliver to the Board of Commissioners for the time being a duplicate containing the names of all the persons assessed and the amount of their assessment, distinguishing the the* real and personal assessment of each, and the assessment of those occupying, inclosing or claiming the use or privilege of any of the public or vacant lands aforesaid. Assessor
To make
assessment.
Duties.

The Board of Commissioners shall assess the real estate and person of the Assessor.

*So Enrolled.

OF CITIES AND TOWNS.

Commissioners
to examine and
adjust duplicate
of assessment.

To post assess-
ment.

Appeals.

Notice of day
of appeals.

Decision of
Commissioners
final.

Commissioner
not to sit on
own appeal.

The Board of Commissioners shall examine and adjust the Assessor's duplicate, and for this purpose are hereby empowered to increase or diminish the valuation of any property listed by him, and between the first and fifteenth days of February, in the year 1906, and each and every year thereafter, cause a complete and full transcript of said duplicate, so examined, adjusted and corrected, to be hung up in a public place in the post-office in said town, there to remain for a space of twenty days thereafter for public inspection; and the said Board of Commissioners shall, on the Wednesday next after the expiration of the said twenty days, hold a Court of Appeals, which shall continue open from nine o'clock, A. M., until five o'clock, P. M., of the said day, when they shall hear and determine appeals from said assessment.

Notice of the hanging up of the list, and also, at the same time, notice of the time and place of appeals, shall be given by notices posted in at least six public places in said town. The decision of the Board of Commissioners upon any appeal shall be final and conclusive.

No Commissioner shall sit upon his own appeal, but the same shall be heard and determined by the others.

Approved, April 18, A. D. 1905.

OF CITIES AND TOWNS.

CHAPTER 193.

OF CITIES AND TOWNS.

AN ACT to re-incorporate the Town of Milton.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That the limits, streets, alleys, lanes, and sidewalks of the Town of Milton, in Sussex County, shall be and they are hereby declared to be the same as surveyed, located and established by the Commissioners under the Act entitled "An Act for the establishing the boundaries of the limits, streets, alleys, lanes and sidewalks of said Town of Milton, and for other purposes therein mentioned" passed at Dover, March 17, 1865. The Council of the town of Milton, may at any time hereafter, cause a re-survey and plot to be made of said town, and the said plot, when so made and approved by the said Council shall be recorded in the Recorder's Office in and for Sussex County and shall be evidence in all courts of law and equity in the State.

Limits streets,
etc., of town
established.

Council may
re-survey.

Recorded.

Section 2. There shall be a Council of the Town of Milton to be composed of a Mayor, who shall be President of Council and six councilmen to be chosen as hereinafter provided. That William C. Fosque be and he is hereby appointed Mayor of said Town of Milton, and as such, President of the Town Council, and shall continue in office until the first Saturday in March, A. D. 1905. That John J. Morris, James P. Ellingsworth, Charles H. Davidson, Joseph R. Atkins, John H. Davidson and George W. Sharp be and they are hereby appointed councilmen. That John J. Morris and James P. Ellingsworth shall continue in office until the first Saturday in March, A. D. 1906, or until their successors shall be duly elected; that Charles H. Davidson and Joseph R. Atkins shall continue in office until the first Saturday in March, A. D. 1907, or until their successors are duly elected; that John H. Davidson and George W. Sharp shall continue in office until the first Saturday in March, A. D. 1908, or until their successors are duly elected, and on the first

Council of
whom to be
composed.

Mayor and
Council named.

Terms of office.

OF CITIES AND TOWNS.

Saturday in March, annually thereafter, there shall be held an election at the Mayor's Office in the Town of Milton, for a Mayor, and two councilmen to succeed those whose terms of office will expire. The Mayor shall be elected for the term of one year and until his successor is duly elected. The Councilmen shall be elected for the term of three years and until their successors are duly elected.

Qualification of officers. The Mayor shall be a resident of the Town of Milton.

The Councilmen shall be residents of the Town of Milton at the time of their election, and at least four of said councilmen shall be freeholders in said town; and* married man resident of said town whose wife is a freeholder of said town, may be elected a member of said Council or Mayor, although he may not be the owner in his own right of any real estate within the said town.

Election, when opened. The election shall be opened at one o'clock P. M. and closed at four o'clock P. M. At such elections every free male citizen residing in said town, who shall be of the age of twenty-one years, and shall have paid the town tax last assessed to him, shall have the right to vote. Immediately after the election shall be closed the vote shall be counted and the person or persons, as the case may be, resident in said town, having the highest number of votes, shall be elected.

Qualifications of voter.

Plurality determines. The election shall be held by three of the holding over councilmen to be chosen by the council at a previous meeting to be held during the month of February. One of the three councilmen holding the election shall act as inspector and receive the ballots and deposit them in a box to be prepared for that purpose, and the other two councilmen shall keep a list of the voters voting, when the election shall be closed, one of the three councilmen holding the election shall draw said ballots out of the box, open and read out the same and pass the same over to one of the councilmen for his inspection while the other shall tally the votes.

By whom held.

Ballots, how tallied out.

Tie vote. In case of a tie, the one of the three councilmen holding the election who has been acting as inspector shall cast the deciding vote. After the result shall have been ascertained, the election officers shall make out certificates and deliver one to the Mayor elect and one to each Councilmen elect,

Certificates of Election.

*So Enrolled.

OF CITIES AND TOWNS.

with a notice of the time and place of the next meeting of the town council. Before entering upon the duties of their respective offices, the Mayor and Councilmen elect shall be sworn in at said meeting by one of the holding over councilmen. If at any election the persons whose duty it is to hold said election, should not be present for that purpose, at the time hereinbefore designated, the voters present may proceed to elect some one of their number in lieu of the absent persons. A minute of each election containing the names of the Mayor and the councilmen elect, shall be entered immediately after said election in a book provided for that purpose and subscribed by the persons holding said election; said book shall be preserved by the town council and shall be evidence.

Official oath.

Absence of election officers, how filled.

Minute of election.

If any vacancy shall occur in the office of Mayor or in said council by the death, resignation, removal from the town, refusal to serve, or otherwise, of any member thereof, the remaining councilmen shall have power to fill such vacancy or vacancies until the next election.

Vacancy, how filled.

Section 3. It shall be the duty of the Mayor to execute all laws enacted for the government of said town and to carry into effect all the orders and directions of the town council made in pursuance of any law of this State, or of any ordinance that the said town council may legally make and establish. He shall have all the powers of the Justice of the Peace within the town, and shall have jurisdiction and cognizance of all branches* of the peace and other offenses in said town so far as to arrest and hold to bail, or fine and imprison offenders and also of all fines, forfeitures and penalties which may be prescribed by any law of this State, or by any ordinance of the town council regularly passed and established for the government of the town, and also all neglects, omissions or defaults of any town constable, collector, assessor, treasurer, town clerk, or any other officer or person whose duty it may be to collect, receive, pay over, or account for any money belonging to said town or to execute or obey any law or ordinance thereof: Provided, that he shall not impose any fine exceeding twenty-five dollars or have jurisdiction in civil matters, exceeding

Mayor, duty of.

Powers.

Proviso.
Limit of fine imposed.

*So Enrolled.

OF CITIES AND TOWNS.

Fees. two hundred dollars, exclusive of costs. His fees for any services under this section shall be the same as those of a Justice of the Peace for a like service, and for any service or duty for which no fee may be provided by law, the fee may be established by ordinance of the town council.

Preside in Council. He shall preside at the meetings of council; have the general supervision of all the streets, lanes and alleys in said town and of the persons who may be employed by the town council; receive complaints of nuisances, and other complaints of citizens, of violation of laws and ordinances, and present the same to the council at their first meeting for their action, and such infraction or violation of the law or ordinances as require immediate action, to cause the same to be proceeded on before the Mayor. He shall issue and sign all licenses for every exhibition within the town of Milton, which by Section 1, of Chapter 51, of the Revised Code, a license therefor is required; he shall sign all warrants on the treasurer for the payment of any money and shall perform such other duties as may be prescribed by any ordinance or ordinances of the town council. Upon his neglect or failure to deliver to his successor in office within the time aforesaid, all the books and papers belonging to his office, or upon his neglect or failure to pay over to the treasurer of the town, within the time aforesaid, all moneys belonging to the town, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, by indictment, shall be fined not less than twenty nor more than one hundred dollars.

Sign licenses.

Sign warrants.

Failure to perform duties declared a misdemeanor.

Fine.

Section 4. The Mayor shall, at every stated meeting of the town council report to the council all fines and penalties imposed by him during the preceding quarter and pay to the treasurer of the town of Milton all such fines and penalties received by him during the said time, and in default of making such report or paying such fines and penalties for a period of twenty days after such report should be made, and such fines and penalties should be paid, as aforesaid, he shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment, shall be fined not less than twenty nor more than one hundred dollars.

Fines to whom paid.

Failure to pay over fines declared a misdemeanor.

Fine.

Incorporation. Section 5. The Mayor and councilmen, as hereinbefore provided for, shall be and they are hereby created a body

OF CITIES AND TOWNS.

politic and corporate in law (and) equity, and shall be able and capable to sue and be sued, plead and be impleaded in courts of law and equity in this State, by the corporate name of "The Town of Milton", and shall have a corporate seal, which they may alter, change or renew at their pleasure; and may purchase, take, hold and enjoy lands, tenements and hereditaments in fee simple or otherwise, and also goods and chattels, rights and credits, and may alien, grant, devise and dispose of the same as they may deem proper, and may do all other things which a body politic and corporate may lawfully do to carry out and effect the object and purposes of this Act. The Mayor and councilmen for the time being, shall have the superintendence and oversight of all the roads and streets now open or hereafter to be opened within the limits of said town, and no overseer of any such roads or streets shall be appointed by the Levy Court of Sussex County, but the said Levy Court shall annually appropriate for the repair of said roads and streets a sum of money not less than five hundred dollars and shall make an order for the payment thereof to the treasurer of the town of Milton for the use of said town.

Name.

Powers.

Town authorities overseers of roads in town.

Appropriation by Levy Court.

Section 6. The town council shall have power, upon the application of ten citizens of the town, by petition for the purpose, to locate, lay out and open or widen any new street or streets, lane or lanes or alley or alleys or widen any street, lane or alley heretofore laid out or hereafter to be laid out in said town, or reopen any old street or streets, lane or lanes, alley or alleys now closed, or which may hereafter be closed, which ten or more citizens may desire to be located, laid out and opened or widened, or reopened, allowing to the persons respectively, through or over whose lands such street or streets, lane or lanes, alley or alleys may pass, such compensation therefor as they shall deem just and reasonable under all circumstances, which compensation, if any be allowed, shall be paid by the treasurer of the town out of the moneys of said town upon warrants, drawn upon him by order of the council aforesaid.

May open and widen streets.

Compensation for taking.

Section 7. Whenever the town council shall have determined to locate and lay out or widen any street, lane or alley and shall have fixed the compensation therefor, it shall be their duty immediately after the survey and location of the

Procedure of condemnation for new streets, etc.

OF CITIES AND TOWNS.

said street, lane or alley, to notify in writing, the owner or owners of the real estate through or over which such street, lane or alley may run, of their determination to open and widen the same, and to furnish a general description of the location thereof and also the amount of the damages or compensation allowed to each, and if such owner be not resident within the said town, to notify the holder or tenant of said real estate, but if there be no holder or tenant resident in said town, the said notice may be affixed to any part of the premises. If any owner be dissatisfied with the amount of the compensation or damages allowed by the town council, as aforesaid, he or she may within ten days after such notice, as aforesaid, appeal from the said assessment of compensation or damages by serving written notice to that effect to the Mayor. In order to prosecute said appeal such owner or owners shall, within ten days after the expiration of the ten days allowed for appeals, and upon ten days notice to the said Mayor, make written application to the Associate Judge of the Superior Court of this State, resident in Sussex County, for the appointment of a commission to hear and determine the matter in controversy, and thereupon the said Associate Judge shall issue a commission under his hand directed to five freeholders of the said county, three of whom shall be residents of said town of Milton, and two of whom shall be non-residents of said town, commanding them to assess the damages which the owner of the real estate through or over whose lands said street, lane or alley shall pass, who shall have notified the said town council of their intention to appeal, may incur by reason thereof, and to make return of their proceedings to the Associate Judge at a time therein appointed. The freeholders named in such commission, being first sworn or affirmed, as in said commission shall be directed, shall view the premises, and they or a majority of them, shall assess the damages as aforesaid, and shall make return, in writing, of their proceedings in the premises to the said Associate Judge, who shall deliver said return to said town council, which shall be final and conclusive. The said Associate Judge shall have power to fill any vacancy in the commission. The amount of damages being so ascertained, the town council may pay or tender the same to the person or persons entitled thereto, within one month after the same shall be finally ascertained, or if the person or persons so

Appeal.

Commission to hear, by whom to be chosen.

Proceedings to be returned to whom.

Freeholders sworn.

Report of freeholders final.

Damages, how to be paid.

OF CITIES AND TOWNS.

entitled reside out of or are absent from the town during the said period of one month, then the same may be deposited to his or her credit in the Farmers' Bank of the State of Delaware, at Georgetown, within said time, and thereupon the said property or land may be taken or occupied for the uses aforesaid. In the ascertainment and assessment of damages by freeholders appointed by the Associate Judge aforesaid, if the damages shall be increased, the costs of the appeal shall be paid by the treasurer of the town out of any money in his hands belonging to the town, but if the damages shall not be increased, the costs of the appeal shall be paid by the party appealing. The fees to the freeholders shall be two dollars per day to each, which shall be taxed as part of the costs. After the damages shall be fixed and ascertained by the freeholders, the town council shall have the option to pay the damages assessed, within the time aforesaid, and to proceed with the said improvements, or upon the payment of the costs only may abandon the proposed improvements.

When may
deposit dama-
ges and where.

Costs of appeal,
how borne.

Fees of free-
holders.

Section 8. The town council shall have power to enact ordinance to prevent nuisances, to preserve the health of the town, and to prevent the introduction of infectious or contagious diseases, for which purpose their jurisdiction shall extend to any distance within one mile of the limits of said town. The council may also pass ordinances to define and remove nuisances, to ascertain and fix the boundaries of streets, squares, lanes and alleys, or to repair and improve the same, or to alter, extend or widen any street, square, lane or alley, or open and lay out new ones, subject to the provisions in that behalf hereinbefore contained, to regulate and fix the ascents and descents of all streets, lanes and alleys, and the drainage thereof, to direct the paving or graveling of footways and to prescribe the width thereof, to regulate and provide for the making of gutters, and the placing of gutter-stones, or plates therein and for curbing wherever in their opinion such paving or graveling, making of gutters and the placing of gutter-stones or plates therein, and curbs may be necessary or proper; to prescribe the extent of steps, porches, cellar doors and other inlets to lots and buildings; to regulate the construction and repair of chimneys and provide for keeping the same cleaned and in good order; to regulate the storage of gunpowder or any other dangerous or combustible

Ordinances.

Council may
adopt for what
purpose.

Nuisances.
Boundaries of
streets.

Paving.

Curbing.

Chimneys.

Gunpowder.

OF CITIES AND TOWNS.

Width of
pavement.

When grade,
etc. may be
altered.

Dogs to be
registered.

Dog tax.

May appoint
town surveyor.

materials, and to provide against casualties by fire. No person shall be obliged to pave any footway to greater breadth than four feet in front of any vacant lot or lots not near or adjoining a dwelling house, and no grading, curbing or widening of sidewalks shall, after the same has once been established, be directed to be altered or changed for a period of ten years, except upon the petition of a majority of the property owners holding land on such street or part of street where such alteration or change is proposed to be made, and upon such petition, the town council shall have the option to make such change or alteration, or not. The town council shall also have the power to enact ordinances in relation to the keeping or harboring of dogs, to provide for the registration of the same, and to regulate their running at large, and may impose annual tax not exceeding fifty cents on every male dog, or one dollar on every female dog, and may provide for the collection of the same from each and every person owning or harboring any dog or dogs; and also shall have power to impose fines and penalties for the enforcement of any of said ordinances. The said council shall have power also, by ordinance, to appoint a town surveyor to make a plot or map showing the ascent and descent of all streets, lanes and alleys, the building lines upon the same and generally to do and perform all such matters and things as they may deem necessary for carrying into effect the provisions in this section contained.

Notice to owner
of paving and
curbing, to
contain what.

Duty of owner.

When Council
may pave.

Section 9. Whenever the said town council shall have determined that any paving and curbing, or any or either, or all of them shall be done, they shall notify the owners of the land in front of whose premises the same is to be done, particularly designating the nature and character thereof, and thereupon it shall be the duty of such owner to cause such paving, graveling and curbing, to be done in conformity with said notice. In the event of any owner neglecting to comply with said notice for the space of thirty days, the said council may proceed to have the same done, and when done the treasurer of the town shall, as soon as convenient thereafter, present to the owner or owners of such lands a bill showing the expense of such paving, graveling and curbing; if such owner or owners be not resident in the town of Milton, such bill may be presented to the occupier or tenant of said land, or if there

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be no occupier or tenant resident of said town of Milton, such bill may be sent by mail to such owner or owners, directed to him or them at the post office nearest his or their residence.

If such bill be not paid by the owner or owners of such lands, within thirty days after the presentation thereof as aforesaid, Bill to be paid by owner.

then it shall be the duty of said town council to issue a warrant in the name of the town of Milton, under the hand of the president of the town council and the seal of the said corporation, directed to the treasurer of the town of Milton, Owner failure to pay, Council may issue warrant to collect.

commanding him that of the goods and chattels, lands and tenements of such owner or owners, he should cause to be levied and made the amount of the said bill, together with all costs.

It shall be the duty of the treasurer of the town of Milton, as soon as convenient, after the said warrant shall be delivered to him, and after ten days notice to the owner or owners of such lands, and after posting five or more notices of sale in at least five of the most public places in the town of Milton, at least ten days before the day of sale, to sell the goods and chattels of such owner or owners at public auction, or so much thereof as may be necessary to pay the amount of said bill with all costs. Treasurer to sell goods and chattels.

If no goods and chattels of such owner or owners can be found within said town sufficient to satisfy the amount of said bill with all costs, then it shall be the duty of the said treasurer of said town of Milton, after ten days notice to such owner or owners aforesaid, and after posting five or more notices of sale in at least five of the most public places of the town of Milton, for at least ten days before the day of sale, and after causing such notice of sale to be published twice in one newspaper printed in the said town of Milton, (or, if there be no newspaper printed in the said town of Milton, then in a newspaper printed anywhere in Sussex County), to sell the lands and tenements of such owner or owners in front of which such paving, graveling and curbing, or either of them, have been done or so much of said lands and tenements as may be sufficient to satisfy the amount of said bill with all costs, and a deed from the treasurer of the said town of Milton shall convey to the purchaser or purchasers of such lands and tenements as full and complete title, in fee simple or otherwise, as if the same were executed by the owner or owners thereof. If no goods and chattels to sell lands.

The claim for paving, graveling and curbing shall be a lien on the premises in front of which the said work was done, and shall have priority over any lien, Deed from Treasurer convey title held by owner.

Claim for paving first lien.

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incumbrance or conveyance suffered or made by the owner or owners after the presentation of the said bill as aforesaid. It shall be the duty of the treasurer of said town, of the purchase money of the said goods and chattels, or lands and tenements, sold as aforesaid, to pay all costs arising from the proceeds and sale to the parties entitled thereto, and to retain for the use of said town the amount of the said bill as aforesaid, and the residue of the said purchase money, if any, shall immediately be deposited in the Farmers' Bank of the State of Delaware, at Georgetown, to the credit of the said owner or owners. The treasurer of the said town shall be entitled to receive five dollars for every sale of personal property under this Section, and ten dollars for every sale of real estate under this Section, together with such additional sum as may be reasonable and proper for the keeping, taking care of such personal property, for selling the same and for advertising, all of which shall be part of the costs to be paid out of the purchase money as aforesaid. Any notice required by this Section to one co-owner shall be notice to all, and in case no owner shall reside in the said town, notice served upon the occupier or tenant shall be sufficient, or if there be no owner or occupier or tenant of said premises resident in the said town, it shall be sufficient to send notice by mail to any owner of said premises directed to him or her at the post office nearest his or her place of residence. The provisions hereinbefore contained in this Section shall apply to any order made by the council of said town in respect to any pavement, sidewalk, or curb heretofore made or done, which the said council may deem insufficient or to need repairing. The said council in addition to the provisions of this Section hereinbefore contained, shall have power and authority to enforce, by ordinance, all the requirements of this Section by imposing such fines and penalties, as shall in the judgment of said council, be necessary and proper.

Disbursement of proceeds of sale. It shall be the duty of the treasurer of said town, of the purchase money of the said goods and chattels, or lands and tenements, sold as aforesaid, to pay all costs arising from the proceeds and sale to the parties entitled thereto, and to retain for the use of said town the amount of the said bill as aforesaid, and the residue of the said purchase money, if any, shall immediately be deposited in the Farmers' Bank of the State of Delaware, at Georgetown, to the credit of the said owner or owners. The treasurer of the said town shall be entitled to receive five dollars for every sale of personal property under this Section, and ten dollars for every sale of real estate under this Section, together with such additional sum as may be reasonable and proper for the keeping, taking care of such personal property, for selling the same and for advertising, all of which shall be part of the costs to be paid out of the purchase money as aforesaid. Any notice required by this Section to one co-owner shall be notice to all, and in case no owner shall reside in the said town, notice served upon the occupier or tenant shall be sufficient, or if there be no owner or occupier or tenant of said premises resident in the said town, it shall be sufficient to send notice by mail to any owner of said premises directed to him or her at the post office nearest his or her place of residence. The provisions hereinbefore contained in this Section shall apply to any order made by the council of said town in respect to any pavement, sidewalk, or curb heretofore made or done, which the said council may deem insufficient or to need repairing. The said council in addition to the provisions of this Section hereinbefore contained, shall have power and authority to enforce, by ordinance, all the requirements of this Section by imposing such fines and penalties, as shall in the judgment of said council, be necessary and proper.

Surplus, where deposited. It shall be the duty of the treasurer of said town, of the purchase money of the said goods and chattels, or lands and tenements, sold as aforesaid, to pay all costs arising from the proceeds and sale to the parties entitled thereto, and to retain for the use of said town the amount of the said bill as aforesaid, and the residue of the said purchase money, if any, shall immediately be deposited in the Farmers' Bank of the State of Delaware, at Georgetown, to the credit of the said owner or owners. The treasurer of the said town shall be entitled to receive five dollars for every sale of personal property under this Section, and ten dollars for every sale of real estate under this Section, together with such additional sum as may be reasonable and proper for the keeping, taking care of such personal property, for selling the same and for advertising, all of which shall be part of the costs to be paid out of the purchase money as aforesaid. Any notice required by this Section to one co-owner shall be notice to all, and in case no owner shall reside in the said town, notice served upon the occupier or tenant shall be sufficient, or if there be no owner or occupier or tenant of said premises resident in the said town, it shall be sufficient to send notice by mail to any owner of said premises directed to him or her at the post office nearest his or her place of residence. The provisions hereinbefore contained in this Section shall apply to any order made by the council of said town in respect to any pavement, sidewalk, or curb heretofore made or done, which the said council may deem insufficient or to need repairing. The said council in addition to the provisions of this Section hereinbefore contained, shall have power and authority to enforce, by ordinance, all the requirements of this Section by imposing such fines and penalties, as shall in the judgment of said council, be necessary and proper.

Compensation of Treasurer. The treasurer of the said town shall be entitled to receive five dollars for every sale of personal property under this Section, and ten dollars for every sale of real estate under this Section, together with such additional sum as may be reasonable and proper for the keeping, taking care of such personal property, for selling the same and for advertising, all of which shall be part of the costs to be paid out of the purchase money as aforesaid. Any notice required by this Section to one co-owner shall be notice to all, and in case no owner shall reside in the said town, notice served upon the occupier or tenant shall be sufficient, or if there be no owner or occupier or tenant of said premises resident in the said town, it shall be sufficient to send notice by mail to any owner of said premises directed to him or her at the post office nearest his or her place of residence. The provisions hereinbefore contained in this Section shall apply to any order made by the council of said town in respect to any pavement, sidewalk, or curb heretofore made or done, which the said council may deem insufficient or to need repairing. The said council in addition to the provisions of this Section hereinbefore contained, shall have power and authority to enforce, by ordinance, all the requirements of this Section by imposing such fines and penalties, as shall in the judgment of said council, be necessary and proper.

Notice, when given. Notice to co-owner, notice to all. Any notice required by this Section to one co-owner shall be notice to all, and in case no owner shall reside in the said town, notice served upon the occupier or tenant shall be sufficient, or if there be no owner or occupier or tenant of said premises resident in the said town, it shall be sufficient to send notice by mail to any owner of said premises directed to him or her at the post office nearest his or her place of residence. The provisions hereinbefore contained in this Section shall apply to any order made by the council of said town in respect to any pavement, sidewalk, or curb heretofore made or done, which the said council may deem insufficient or to need repairing. The said council in addition to the provisions of this Section hereinbefore contained, shall have power and authority to enforce, by ordinance, all the requirements of this Section by imposing such fines and penalties, as shall in the judgment of said council, be necessary and proper.

When owner is non-resident. It shall be sufficient to send notice by mail to any owner of said premises directed to him or her at the post office nearest his or her place of residence. The provisions hereinbefore contained in this Section shall apply to any order made by the council of said town in respect to any pavement, sidewalk, or curb heretofore made or done, which the said council may deem insufficient or to need repairing. The said council in addition to the provisions of this Section hereinbefore contained, shall have power and authority to enforce, by ordinance, all the requirements of this Section by imposing such fines and penalties, as shall in the judgment of said council, be necessary and proper.

Repaving comes within Act. The said council may deem insufficient or to need repairing. The said council in addition to the provisions of this Section hereinbefore contained, shall have power and authority to enforce, by ordinance, all the requirements of this Section by imposing such fines and penalties, as shall in the judgment of said council, be necessary and proper.

Stated meetings. Section 10. The town council of said town, shall have power and authority to make, establish and publish such ordinances as they may deem beneficial for the good government of the said town, at any stated meeting. There shall be four stated meetings in every year of the said council, to wit: on the first Saturday in March, June, September and December. They shall have and are hereby vested with power and au-

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thority to prescribe the fines and penalties for violations of any of the provisions of this Act, or of the ordinances which they may enact in pursuance hereof, and which are not specially provided for in this Act. All such fines and penalties which may be imposed either by this act or the ordinances enacted as aforesaid, may be collected before the Mayor of said town, or any Justice of the Peace of said town, and in default of payment said Mayor or Justice of the Peace may commit for any time not exceeding thirty days.

Prescribe
fines.Fines, how
collected.

Section 11. The council of said town may appoint such number of town constables as shall be deemed necessary, who, with the constable of Sussex county, residing in said town, shall constitute the town police. The council of said town shall also have power and authority to remove any of the town constables at any time, and appoint those in the place of those removed, if it shall be deemed necessary to make such appointments.

Town Consta-
bles.May remove
Constables.

Section 12. The council of said town shall cause a statement of their receipts and expenditures to be published once a year in at least one newspaper printed in said town; but if there be no newspaper printed in said town, it shall be the duty of said council to submit their book of accounts containing the amounts received and paid out during each year, to the voters of said town at their regular March meeting for inspection, revision and approval. The said councilmen shall receive as salary the sum of Ten Dollars per annum.

Annual
statement.Salary of
Councilmen.

Section 13. The council of said town shall have power and authority to make such regulations and enact such ordinances relating to the traveling over and upon the streets, lanes or alleys in said town, and to the use thereof, and the standing or placing of carts, carriages or other vehicles or obstructions in and upon the public square or and* of said streets, lanes, alleys, or sidewalks, as they shall deem proper to secure the free and uninterrupted use and enjoyment thereof, and if any person shall violate the regulations and ordinances of said council in that behalf, every person so offending shall forfeit and pay to the treasurer of said town, for the use of said town, a sum not exceeding Ten Dollars, to be recovered, with costs, by the treasurer of said town, in the

Ordinances
relative to use
of streets.Penalty for
obstructing
streets.

*So Enrolled.

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How recovered name of the town of Milton, before the Mayor of said town or before any Justice of the Peace residing in said town, in the same manner as debts of like amount are recoverable by law.

May use jail of Sussex County.

Section 14. It shall and may be lawful for the council of said town to use the jail of Sussex County for the purpose of carrying into effect any judgment or sentence pronounced under the provisions of this Act, or for carrying into effect any ordinances or regulations adopted under the provisions of this Act, and it shall be the duty of the keeper of said jail to receive and lock up in said jail any person committed to his custody under the provisions of this Act, or under the provisions of any ordinance of the council of said town.

Money of town to be used in improvement of town.

Section 15. The council of said town shall have the power and authority to use the money in the treasury of said town, or of any portion thereof for the improvement, benefit and ornament thereof, as they may deem advisable. In the general performance of their duties, the acts, doings and determinations of a majority of the council of said town shall be as good and binding as the acts, doings and determinations of the whole. In case of a vacancy or vacancies in the council of said town, the remaining members, until such vacancy or vacancies shall be filled as hereinbefore provided, shall have the same power and authority as the whole.

Majority controls.

Vacancies, how filled.

Riots.

Section 16. It shall be the duty of the Mayor of said town and council of said town, and of the constables of Sussex County residing in said town, and of the town constables, to suppress all riotous, turbulent or noisy assemblages or gatherings of persons in or about any buildings used for any fair, festival, concert or any other social, literary, or religious meeting, or any entertainment whatsoever, or in the streets, lanes, squares or alleys of said town at any time or season whatever, to prevent all gatherings whatever which may obstruct or interfere with the free use of the streets, lanes, alleys or sidewalks, and for this purpose it shall be the duty of any of said constables to seize and arrest any such persons so offending and carry him or them before the Mayor of said town, whose duty it shall be to hear and determine the case, and upon conviction before him the Mayor shall sentence any such person so convicted to pay a fine not exceeding Ten Dollars and may commit the party or parties to

Constable may arrest.

Hearing.

Fine.

OF CITIES AND TOWNS.

prison for a period not exceeding thirty days or until said fine and costs shall be paid. It shall be the duty of the Mayor of said town, upon complaint made before him of any such riotous, turbulent or noisy assemblages or gathering as aforesaid, to issue his warrant to any of the constables aforesaid, commanding him to arrest and bring any such person so offending as aforesaid before him for trial. It shall be the duty of the constable aforesaid, or any of them, to arrest any drunken or disorderly person they may see on the streets of said town, and take such person so arrested before the Mayor of said town who shall proceed forthwith to hear and determine the case, and upon conviction before him he shall sentence such person in the same manner and to the same punishment provided in this Section for the punishment of persons brought before him for the offences in this section first enumerated. If, upon view of the person or persons who may be brought before the Mayor of said town for violation of this section, it shall appear to the Mayor that in his judgment such person or persons are not in a condition to be heard and tried, he may use his own discretion in fixing or appointing a time for trial of all such person or persons brought before him for violating this section. The fee to the Mayor of said town for the trial of any cause under this section shall be fifty cents, and to the constable making the arrest fifty cents. In case of commitment the constable shall receive an additional fee of two dollars, and the keeper of said jail shall be entitled to a fee of fifty cents for each commitment whether by a constable or by the Mayor of said town, and he shall be entitled to the same pay for board of the person so committed as is allowed by the Levy Court for board of prisoners; Provided, the town shall pay for the board of all prisoners committed to jail for violation of the charter or by-laws of the town of Milton.

Mayor on
complaint shall
issue warrant.

Constable to
arrest.

Hearing.

Fine.

Mayor may
continue
hearing.

Fees.

Prisoners com-
mitted to jail
paid for by
town.

Section 17. The Mayor of said town, the council of said town, and the town constables shall have power and authority to suppress, extinguish and prevent all bon-fires in any of the streets, lanes, alleys, or squares of said town, and to suppress and prevent the firing of guns or pistols, or the setting off of fire crackers or other fire works, or the making and throwing of fire balls within the limits of said town, and the council of said town may by ordinance or ordinances impose fines and

Bonfires.

Firing guns

OF CITIES AND TOWNS.

penalties upon the persons violating the provisions of this section, and may provide for the collection of such fines and penalties so imposed.

Nuisances to
be abated.

Section 18. The council of said town are hereby authorized and required to cause all obstructions and nuisances that may, at any time, be and exist within the limits of said town, whether on the public square or in the streets, lanes or alleys, or on the sidewalks, or in any other place within the limits aforesaid, to be removed and abated. The council of said town or a majority of them may proceed, either on their own view or upon complaint of any other citizen, in writing, stating the character of the obstruction or nuisance, and where the same exists. If the council of said town or a majority of them, either of themselves or upon such information, and upon view shall determine that an obstruction or nuisance

Notice to abate.

exists and ought to be removed, they shall give notice, in writing, signed by the Mayor of said council, to the person causing the obstruction or nuisance, or who is responsible for its existence or continuance, to remove or abate the same, and if such person shall refuse or neglect, for the space of two days after such notice, to remove or abate such obstruction or nuisance, the council of said town shall have power and authority to cause such obstruction or nuisance to be removed or abated; and for this purpose the council of said town may issue a warrant in the name of the Town of Milton under the hand of the Mayor as President of the council and the seal of the said corporation, and directed to any constable of the

Warrant authorizing
Constable to abate.

Town of Milton, commanding him forthwith to remove or abate such obstruction or nuisance; whereupon the constable to whom the said warrant may be delivered, shall forthwith proceed to remove or abate the same, and for this purpose he shall have full power and authority to enter into and upon any lands and premises within the town of Milton, and to take with him such assistants, implements, horses, carts, wagons or other things, as may be necessary and proper, and do and perform all matters and things, right and proper to be done, for the removal of such obstruction or the abatement of such nuisance. The costs and damages of all the proceedings shall be determined and adjudged by the council of said town, for the use of the town, and shall be paid by the person causing the ob-

May call in
assistants.

Costs, how
paid.

OF CITIES AND TOWNS.

struction or nuisance, or who is responsible for its existence or continuance, within ten days after a bill stating the amount of such costs and damages shall have been presented to such person, then the council or said town may proceed to collect the same out of the goods and chattels of such person by warrant issued to the treasurer of said town in the same manner as is provided in Section 11 of this Act for the collection of the expenses of any paving, graveling, and etc., and the treasurer of said town upon the receipt of such warrant, shall have all the powers to sell the goods and chattels of such person conferred, and shall proceed in the same manner as directed by said Section 11 of this Act on warrants directed to him under said Section to collect the expense of paving, graveling, etc., except that nothing in this Section contained shall confer any power upon the treasurer of said town to sell any lands and tenements. If the person causing such obstruction or nuisance, or who is responsible for its existence or continuance, shall neglect or refuse to remove or abate the same for the space of two days after such notice as aforesaid, he shall, in addition to the provisions hereinbefore in this Section in that behalf contained, forfeit and pay to the treasurer of said town for the use of the town the sum of Five Dollars, and One Dollar additional for each and every day such obstruction or nuisance shall continue unremoved or unabated after the expiration of the two days' notice as aforesaid, to be recovered with costs of suit in the name of the town of Milton before the Mayor of said town or any Justice of the Peace residing in said town, as debts of like amount are recoverable. In ascertaining the amount of the judgment, the person before whom the case is heard and determined, shall compute the time beginning with and including the day following the expiration of the said two days' notice up to and including the day on which judgment is rendered, if the obstruction or nuisance be then not removed or abated, or if then removed or abated up to and exclusive of the day on which such obstruction or nuisance was removed or abated, and one dollar for every such day shall be added to the five dollars and judgment rendered accordingly. If the amount of the judgment, exclusive of costs, shall exceed Two Hundred Dollars, the case shall not be cognizable before the Mayor or a Justice of the Peace, but in such case suit in the name of the town of Milton may be brought in the Superior

May issue
warrant to
collect costs.

Penalty for re-
fusal to abate
after notice.

How
recovered.

Penalty, how
computed.

When suit cog-
nizable before
Superior Court.

OF CITIES AND TOWNS.

Court of the State of Delaware in and for Sussex County. These last provisions shall be cumulative and additional to the provisions hereinbefore in this section contained.

Neglect of
Constable,
misdemeanor.

Presentment to
Grand Jury.

Penalty.

Section 19. If any constable shall neglect or refuse to perform any of the duties required of him by this Act, he shall be deemed guilty of a misdemeanor, and it shall be the duty of the council of said town to present him to the Grand Jury of Sussex County, and upon conviction thereof, by indictment, he shall be fined in a sum not less than Ten nor more than One Hundred Dollars, and may be imprisoned in the discretion of the court for any term not exceeding one year, and upon such conviction he shall ipso facto forfeit his office.

Officers to be
chosen by
Council.

Collector of
taxes.

Oath of office.

Administred
by whom.

Bond.

Condition.

Warrant of
attorney to
confess judg-
ment.

Treasurer to
pay orders.

Section 20. It shall be the duty of the council of said town, as soon as conveniently may be after each annual election of members of said council on the first Saturday in March of every year as hereinbefore provided, to elect by ballot a treasurer, clerk and assessor for said town, who shall hold their offices for the term of one year, and until their successors shall be duly elected. The Treasurer and clerk shall not be the same person. The assessor shall be a resident in said town, and may or may not be a member of said council. The said council shall also have authority to elect, by ballot, a collector of taxes in any year they may think proper to do so. The treasurer, before entering upon the duties of his office, shall be sworn or affirmed faithfully, honestly and diligently to perform the duties of his said office, which oath or affirmation may be administered to him by the Mayor as the President of said council or by any member thereof, or by any Justice of the Peace or Notary Public. He shall also, before entering upon the duties of his office, give bond to the town of Milton with sufficient surety, to be approved by the council of said town in the penal sum, of double the amount of what may be likely to come into his hands, conditioned for the faithful discharge of the duties of his said office, and for the payment to his successor in office of all sums of money belonging to said town which may remain in his hands upon the settlement of his accounts, to which said bond and condition there shall be annexed a warrant of attorney for the confession of judgment for said penalty. The said treasurer shall pay all orders drawn on him by order of said council and signed by the Mayor as

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president thereof out of any moneys in his hands belonging to said town. He shall settle his accounts with the said council annually in the month of February, and oftener and at such other times as the said council may require. The said treasurer shall also, in any year when no collector of taxes shall be elected by the council of said town, and when required to do so by said council, collect all the taxes assessed in said town as hereinafter provided. It shall be the duty of the clerk of said town to keep a true and faithful record of all the proceedings of the council of said town at all meetings held by them, and to do and perform such other matters and things as may be required of him by this Act or which may be prescribed by any ordinance or ordinances enacted by said council. The Treasurer, clerk and assessor of said town shall each receive a reasonable compensation for their services to be determined by the council of said town: Provided, The compensation of the said treasurer as such shall not exceed two per cent. on all moneys received by him belonging to said town, and of the treasurer acting as collector shall not exceed eight per cent. on the taxes collected by him.

Annual
settlement.Treasurer to
collect taxes,
when.

Duty of clerk.

Compensation
of officers.

Proviso.

Section 21. It shall be the duty of the assessor of the said town annually to make a true, just and impartial valuation and assessment of all the male citizens residing in said town, above the age of twenty-one years, as well those owning as those not owning real estate within the limits of said town, and also the personal property of such citizens subject to county assessment and taxation. The said assessor shall make such assessment and return the same to the council of said town within six weeks next after the election of said assessor. The council of said town shall assess the real estate and person and taxable personal property of the assessor. The council of said town shall within five days next after receiving said assessment list cause a full and complete transcript of said assessment list to be hung up in the post-office in said town, there to remain for the space of ten days thereafter for public inspection; and the said council shall on the Saturday next after the expiration of the said ten days, hold a court of appeal, which shall continue open from one o'clock, P. M., till four o'clock, P. M., of said day, when they shall hear and determine appeals from the said assessment, and may make correction of, addition to, or alteration in the

Assessment.

Return of
assessment,
when to be
made.Transcript to
be hung up,
when.

Appeal.

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- Notice of.** said assessment. Notice of the hanging up of the said assessment list and also at the same time, notice of the time and place of hearing appeals shall be given by posting such notice in at least six public places in said town of Milton. The
- Determination of Council final.** determination of the council of said town upon any appeal, or upon any matter relating to such assessment shall be final and conclusive. No member of council of said town shall sit upon his own appeal, but the same shall be heard and determined by the other members of said council. After the said
- Taxes to be levied in just and equal rates.** Valuation and assessment shall be examined and adjusted by the council of said town, all taxes shall be levied, assessed and raised on the real estate, personal property and persons thus valued and assessed, in just and equal proportions and rates. The assessor, before entering upon the duties of his
- Assessor to be sworn.** office, shall be sworn or affirmed diligently, faithfully and impartially to perform the duties of his office to the best of his ability, knowledge and judgment, which oath or affirmation may be administered to him by the Mayor as President of said council, or by any member thereof, or by any Justice of the Peace or Notary Public.
- Limit of sum to be raised by taxation.** Section 22. The council of said town, after having ascertained the sum necessary to be raised on the said town for the purpose of this Act which sum shall in no year exceed One Thousand Dollars, clear of dog tax and all delinquencies and expenses of collecting, and after having apportioned the same on the assessment and valuation aforesaid, shall annually, in the month of April or as soon thereafter as convenient, cause
- Duplicate to be delivered, when.** to be delivered to the collector of taxes, if there be one elected by the council of said town in said year, or if there be none, to the treasurer of said town, a list containing the names of the taxables, as well the owners of real estate as those not owning real estate, and opposite the name of each the amount of the real estate, his poll tax which in no case shall exceed One Dollar and assessable personal property, and the tax on the whole valuation and assessment, and the rate per Hundred Dollars, and which list shall be signed by the Mayor as President of said Council. The collector of taxes, or if there
- Powers of Collector.** be none elected in said year the treasurer of said town, immediately after receiving said list, and in collecting the same shall have all the powers conferred by law on the collectors of the county rates and levies by the provisions of Chapter 12,

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of the Revised Code of 1852. In the collection of said taxes the council of said town shall have the power and authority to order the collector of taxes, or if there be none, the treasurer, to deduct five per cent. from the amount of the tax assessed against the person or property of any one who will pay such tax by the first day of July in any year following the assessment of the same. The collector of taxes before entering upon the duties of his office, shall give bond to the town of Milton, with sufficient surety to be approved by the council of said town, in the penal sum of twice the amount likely to come into his hands, conditioned for the faithful performance of the duties of his office and the payment to the treasurer of said town of all moneys collected by him belonging to said town, and for the settlement of his accounts with the council and treasurer of said town, in the month of February next following his election as collector of taxes, and at such other times as the council of said town may require, to which said bond and condition there shall be annexed a warrant of attorney for the confession of judgment for said penalty. The collector of taxes shall receive a reasonable compensation for his services to be determined by the council of said town: Provided, that he shall not receive more than eight per cent. on the taxes collected by him. The council shall have power to make just allowances for delinquencies in the collection of taxes.

Abatement of taxes, when.

Collector's bond.

Condition.

Warrant to confess judgment.

Compensation.

Proviso.

Section 23. The present assessor, collector and town constable shall continue and hold their respective offices until their successors are elected after the first meeting of council after the first Saturday in March, 1906.

Term of office.

Section 24. The act entitled "An Act incorporating the town of Milton," passed at Dover, March 17, 1865, and the act entitled "An Act to amend an Act entitled 'An Act to incorporate the town of Milton,'" passed at Dover, February 7, 1877, and an Act to Re-incorporate the town of Milton passed at Dover, March 3, 1881, and the several acts therein and thereby repealed, and all acts or parts of acts inconsistent with or supplied by this act are hereby repealed and made null and void; saving and excepting, however, from the effect of such repeal, and hereby expressly declaring that all the ordinances of the town of Milton, heretofore enacted or adopted, and now in force in pursuance of any law of this

Acts repealed.

Saving.

OF CITIES AND TOWNS.

Acts done by
old Com-
missioners
validated.

Debts due to
and by town
unaffected.

Collector given
power to col-
lect taxes.

Collector's
bond
unaffected.

Treasurer's
bond
unaffected.

Proceeding
heretofore be-
gun unaffected.

State, shall continue in full force and effect until repealed, altered or amended by the council of said town. That all the acts and doings of the council (formerly called commissioners) of said town, or of any officer of said town, lawfully done or performed under the provisions of any law of this State, or of any ordinance of the council of said town, are hereby ratified and confirmed. That all debts, fines or penalties and forfeitures due said town of Milton, and all debts due from said town of Milton to any person or persons whomsoever, or to any corporation, are hereby declared to be unaffected and unimpaired by this repeal, and all laws of this State for the collection and enforcement thereof, shall continue in full force until the same shall be fully paid and discharged. That all the powers now conferred by law upon the collector for the collection and enforcement of all taxes in said town heretofore assessed and uncollected, shall continue in full force and effect until all of said taxes shall be fully collected and paid; that the official bond of said collector shall be unaffected and unimpaired by this repeal, and that he and his sureties therein shall continue liable for any breaches of any of the conditions of said bond. That the official bond of the treasurer of said town shall not be affected or impaired by this repeal, and that he and his sureties therein shall continue liable for any breaches of any of the conditions of said bond; and that all proceedings heretofore commenced for the collection of any penalty, fine, forfeiture or debt due to said town under any law or ordinance, shall not be affected or impaired by this repeal, but the same may be prosecuted to judgment and execution until the same be fully paid, liquidated and discharged.

Section 25. This Act shall be deemed and taken to be a public Act.

Approved, March 30, A. D. 1905.

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CHAPTER 194.

OF CITIES AND TOWNS.

AN ACT to incorporate the Town of Seaford.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring):

Section 1. That the limits, streets, alleys, lanes and sidewalks of the town of Seaford in Sussex County, shall be and they are hereby declared to be the same as surveyed, located and established by the commissioners under the act entitled "An Act for the establishing the boundaries of the limits, streets, alleys, lanes and sidewalks of the said town of Seaford, and for other purposes therein mentioned," passed at Dover, March 15th, 1865. The Council of the Town of Seaford may, at any time hereafter, cause a resurvey and plot to be made of the said town, and the said plot, when so made and approved by the said council, shall be recorded in the Recorder's office in and for Sussex County, and shall be evidence in all courts of law and equity in the State.

Limits.

Council may
resurvey and
plot.

Recorded.

Section 2. There shall be a Council of the Town of Seaford, to be composed of seven members, one of whom shall, by said council, be elected President of said Council for the term of one year and until his successor shall be elected. The councilmen now constituting the Town Council, to wit:—Levi J. Warrington, William S. Burton, and John B. Hurley shall continue in office until the first Monday in March, A. D. 1906, or until their successors are duly elected and qualified; and Joseph N. Johns, George W. Emery, Stansbury H. Parsons and William H. Miller, shall continue in office until the first Monday in March, A. D. 1907, or until their successors are duly elected and qualified. On the first Monday in March, 1906, there shall three councilmen be elected to serve for two years, and on the first Monday in March annually thereafter there shall be held an election in the Town Hall, or at such other place as the town council shall designate in the Town of Seaford, for three, or four, councilmen of the said

Council.

President.

Present Council
to serve
until when.

Election.

OF CITIES AND TOWNS.

town of Seaford, to succeed those whose term of office will expire. The councilmen shall be elected for two years and until their successors shall be duly elected, and the President of the council shall be elected from the Board of Council for the term of one year and until his successor shall be duly elected, but any councilman, or the President, may be re-elected. The councilmen shall be resident freeholders of the town of Seaford, but any married man, resident of said town, whose wife is a freeholder of said town, may be elected a member of said council or the President of said council, although he may not be the owner, in his own right, of any real estate within said town. The election shall be opened at one o'clock P. M., and close at four o'clock P. M. At such election every male or female citizen residing in said town, who shall have paid the town tax last assessed to him or her, shall have the right to vote. Immediately after the election shall be closed the vote shall be counted, and the person or persons, as the case may be, resident in said town, having the highest number of votes shall be elected. The election shall be held by the alderman and two of the members of council who hold over, to be chosen by the council at a previous meeting to be held during the month of February. The alderman shall receive the ballots and deposit them in a box to be prepared for that purpose, and the assisting councilmen shall each keep a list of the voters voting. When the election shall be closed the alderman, or one of the assistants, shall draw said ballots out of the box, open and read out the same and pass the same over to one of the said assistants for his inspection, while the third election officer shall tally the votes. In case of a tie of persons voted for for councilmen, the alderman shall give the casting vote. After the result shall have been ascertained, the election officers shall make out certificates and deliver one to each councilman-elect, with a notice of the time and place of the next meeting of the town council. Before entering upon the duties of their respective offices the councilmen-elect shall be sworn in at said meeting, or any subsequent meeting, by the alderman or one of the councilmen holding over. If at any election the alderman, or any of the persons whose duty it is to hold said election, should not be present for that purpose at the time hereinbefore designated, the voters present may proceed to elect some one of their number in lieu of the alderman or absent person. A

Terms of Councilmen.

Qualification of Councilmen.

Polls when opened.

Qualification of voters.

Canvass of vote.

Election officers may be chosen by voters, when.

OF CITIES AND TOWNS.

minute of each election, containing the names of the councilmen-elect, shall be entered immediately after said election in a book provided for that purpose, and subscribed by the persons holding said election. Said book shall be preserved by the town council, and shall be evidence. If any vacancy shall occur in the said council by the death, resignation, removal from the town, refusal to serve, or otherwise, of any member thereof, the remaining councilmen shall have power to fill such vacancy or vacancies until the next regular election, when the vacancy shall be filled for the unexpired term.

Minute of election.

Vacancies, how filled.

Section 3. The town council, at their first stated meeting after each annual election, or as soon thereafter as practicable, shall proceed to elect by ballot, some suitable person, resident in said town, to be alderman of the town of Seaford, who may or may not be a justice of the peace resident in said town, to serve as such for the term of one year, or until his successor shall be duly elected; subject, however, to be removed from office at any time by a vote of two-thirds of all the members comprising the town council. Before entering upon the duties of his office he shall be sworn or affirmed by the President of the town council, or by any one of the councilmen, to perform the duties of his office honestly, faithfully and diligently. It shall be his duty to execute all laws enacted for the government of said town, and to carry into effect all the orders and directions of the town council made in pursuance of any law of this State or of any ordinance that the said town council may legally make and establish; he shall have all the powers of the justice of the peace within the town, and shall have jurisdiction and cognizance of all breaches of the peace and other offenses in the said town, so far as to arrest and hold for bail or fine and imprison offenders, and also of all fines, forfeitures and penalties which may be prescribed by any law of this State or by any ordinance of the town council regularly passed and established for the government of the town, and also all neglects, omissions or default of any town constable, collector, assessor, treasurer, town clerk or any other officer or person whose duty it may be to collect, receive, pay over or account for any money belonging to said town, or to execute or obey any law or ordinance thereof; provided, that he shall not impose any fine exceeding twenty-five

Alderman.

To be sworn.

Duty of.

Powers of.

Jurisdiction of.

Proviso.

OF CITIES AND TOWNS.

Limit of fine to be imposed by. dollars or have jurisdiction in civil matters exceeding one hundred dollars, exclusive of costs. His fees for any service under this Section shall be the same as those of a justice of the peace for a like service, and for any service or duty for which no fee may be provided by law, the fee may be established by ordinance of the town council. If any

Fees of.

Vacancy. vacancy shall occur in the office of alderman of the town of Seaford by death, resignation, removal from office or otherwise, such vacancy may be filled by the town council at any meeting thereafter for the residue of the term. If any alderman shall be removed from his office by the town council, as hereinbefore provided, he shall deliver to his successor in office, within two days after the election of his successor, all books and papers belonging to his office, and shall pay over to be treasurer of the town all moneys in his hands belonging to the town within five days after his removal; upon his neglect or failure to deliver to his successor in office, within the time aforesaid, all the books and papers belonging to his office, or upon his neglect or failure to pay over to the treasurer of the town, within the time aforesaid, all moneys belonging to the town, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, by indictment, shall be fined not less than twenty, nor more than one hundred dollars.

Books, etc., to be delivered to whom.

Neglect to so deliver a misdemeanor.

Penalty.

Fines to be paid to Treasurer. Section 4. The alderman shall, at every stated meeting of the town council, report to the council all fines and penalties imposed by him since their last meeting, and pay to the treasurer of the town of Seaford all such fines and penalties received by him during the said time, and in default of making such report or paying such fines and penalties for a period of twenty days after such report should be made and such fines and penalties should be paid as aforesaid, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, by indictment, shall be fined not less than twenty nor more than one hundred dollars.

Failure to so pay a misdemeanor.

Penalty.

President, duty of. Section 5. The president of council shall preside at all meetings of the council, appoint all committees, receive complaints of nuisances, and other complaints of citizens of violation of laws and ordinances, and present the same to the council at their first meeting for their action, and such

OF CITIES AND TOWNS.

infraction or violation of the law or ordinances as require immediate action to cause the same to be proceeded on before the alderman. He shall issue and sign all licenses for every exhibition within the town of Seaford, which by Section 1, Chapter 51 of the Revised Code, a license therefor is required; he shall sign all warrants on the treasurer for the payment of any money, and shall perform such other duties as may be prescribed by any ordinance or ordinances of the town council.

Section 6. The councilmen and the president of council, as hereinbefore provided for, shall be and they are hereby created a body politic and corporate in law and equity, and shall be able and capable to sue and be sued, plead and be impleaded, in courts of law and equity in this State, by the corporate name of The Town of Seaford, and shall have a corporate seal, which they may alter, change, or renew at their pleasure; and may purchase, take, hold, and enjoy lands, tenements and hereditaments in fee simple or otherwise, and also goods and chattels, rights and credits, alien, grant, devise and dispose of the same as they may deem proper, and may do all other things which a body politic and corporate may lawfully do to carry out and effect the objects and purposes of this Act. The president and councilmen for the time being shall have the superintendence and oversight of all the roads and streets now open or hereafter to be open within the limits of said town; and no overseer of any such roads or streets shall be appointed by the Levy Court of Sussex County, but the said Levy Court shall annually appropriate for the repairs of said roads and streets a sum of money not less than six hundred dollars, and shall make an order for the payment thereof to the Treasurer of the Town of Seaford for the use of said town. The existence of this corporation shall be perpetual.

Incorporation.

Corporate name.

Powers.

Council to be overseer of streets.

Appropriation by Levy Court.

Existence perpetual.

Section 7. The town council shall have power, upon the application of ten citizens of the town, by petition for the purpose, to locate, lay out and open, or widen, any new street or streets, lane or lanes, alley or alleys, or widen any street, lane, or alley heretofore laid out or hereafter to be laid out in said town, or reopen any old street or streets, lane or lanes, alley or alleys now closed or which may hereafter be closed, which ten or more citizens may desire to be located,

Council may open new street.

OF CITIES AND TOWNS.

Damages to owners.	laid out and opened, or widened, or reopened, allowing to the persons respectively through or over whose lands such street or streets, lane or lanes, alley or alleys may pass, such compensation therefor as they shall deem just and reasonable under all circumstances; which compensation, if any be allowed, shall be paid by the Treasurer of the town out of the moneys of said town, upon warrants drawn upon him by order of the council aforesaid.
How paid.	
Procedure in opening new streets.	Section 8. Whenever the town council shall have determined to locate and lay out, or widen any street, lane, or alley, and shall have fixed the compensation therefor, it shall be their duty, immediately after the survey and location of the said street, lane, or alley, to notify, in writing, the owner or owners of the real estate through or over which such street, lane, or alley may run, of their determination to open and widen the same, and to furnish a general description of the location thereof, also the amount of the damages of compensation allowed to each, and if such owner be not resident within the said town to notify the holder or tenant of said real estate; but if there be no holder or tenant resident in said town, the said notice may be affixed to any part of the premises. If any owner be dissatisfied with the amount of the compensation or damages allowed by the town council as aforesaid, he or she may, within ten days after such notice as aforesaid, appeal from the said assessment of compensation or damages by serving written notice to that effect to the president of said council. In order to prosecute said appeal, such owner or owners shall, within ten days after the expiration of the ten days allowed for appeals, and upon ten days notice to said president of council, make written application to the Associate Judge of the Superior Court of this State resident in Sussex County, for the appointment of a commission to hear and determine the matter in controversy, and thereupon the said Associate Judge shall issue a commission, under his hand, directed to five freeholders of the said county, three of whom shall be residents of said town of Seaford, and two of whom shall be non-residents of said town, commanding them to assess the damages which the owner of the real estate through or over whose lands said street, lane, or alley shall pass, who shall have notified the said town council of their intention
Notice.	
How served.	
Appeal.	
Associate Judge to appoint freeholders.	

OF CITIES AND TOWNS.

to appeal, may incur by reason thereof, and to make return of their proceedings to the Associate Judge at a time therein appointed. The freeholders named in such commission, being first sworn or affirmed, as in said commission shall be directed, shall view the premises, and they, or a majority of them, shall assess the damages as aforesaid, and shall make return, in writing, of their proceedings in the premises to the said Associate Judge, who shall deliver said return to said town council, which shall be final and conclusive. The said Associate Judge shall have power to fill any vacancy in the commission. The amount of damages being so ascertained, the town council may pay or tender the same to the person or persons entitled thereto within one month after the same shall be finally ascertained, or if the person or person so entitled reside out of or are absent from the town during the said period of one month, then the same may be deposited, to his or her credit, in the Farmers' Bank of the State of Delaware, at Georgetown, within said time, and thereupon the said property or lands may be taken or occupied for the uses aforesaid. In the ascertainment and assessment of damages by freeholders appointed by the Associate Judge aforesaid, if the damages shall be increased the cost of the appeal shall be paid by the treasurer of the town out of any money in his hands belonging to the town; but if said damages shall not be increased the cost of appeal shall be paid by the party appealing. The fees to the freeholders shall be two dollars per day to each, which shall be taxed as part of the cost. After the damages shall be fixed and ascertained by the freeholders, the town council shall have the option to pay the damages assessed within the time aforesaid and to proceed with the said improvements, or, upon the payment of the cost only, may abandon the proposed improvements.

Return of freeholders.

Duty of freeholders.

Damages, how paid.

When may be deposited in bank.

Cost, by whom paid.

Fees.

Section 9. The town council shall have power to enact ordinances to prevent nuisances, to preserve the health of the town, and to prevent the introduction of infectious or contagious diseases, for which purpose their jurisdiction shall extend to any distance within one mile of the limits of said town. The council may also pass ordinances to protect shade trees planted along any streets, lanes or alleys within the town limits; to define and remove nuisances;

Council may enact ordinances relating to nuisances.

Streets.

OF CITIES AND TOWNS.

to ascertain and fix the boundaries of streets, squares, lanes and alleys, or to repair and improve the same, or to alter, extend or widen any street, square, lane or alley, or open and lay out new ones, subject to the provisions in that behalf hereinbefore contained; to regulate and fix the ascents and descents of all streets, lanes and alleys, and the drainage thereof; to direct the paving or graveling of footways and to prescribe the width thereof; to regulate and provide for the making of gutters, and the placing of gutter stones or plates therein, and for curbing wherever in their opinion such paving or graveling, making of gutters and the placing of gutter stones or plates therein, and curbs, may be necessary or proper; to prescribe the extent of steps, porches, cellar-doors and other inlets to lots and buildings; to regulate the construction and repair of chimneys, and provide for keeping the same clean, and in good order; to regulate the storage of gunpowder or any other dangerous or combustible materials, and to provide against casualties by fire. No person shall be obliged to pave any footway to greater breadth than four feet in front of any vacant lot or lots not near or adjoining a dwelling house, and no grading, cutting or widening of sidewalks shall, after the same has once been established, be directed to be altered or changed for a period of ten years, except upon the petition of a majority of the property owners holding land on such street or part of street where such alteration or change is proposed to be made, and upon such petition the town council shall have the option to make such change or alteration, or not. The town council shall also have power to enact ordinances in relation to the keeping or harboring of dogs, to provide for the registration of the same, and to regulate their running at large, and shall impose an annual tax not exceeding one dollar on every male dog, or two dollars on every female dog, and may provide for the collection of the same from each and every person owning or harboring any dog or dogs and on refusal to register or pay tax may kill them; and also shall have power to impose fines and penalties for the enforcement of any of said ordinances. The said council shall have power also, by ordinance, to appoint a town surveyor to make a plot or map showing the ascent and descent of all streets, lanes and alleys, the building lines upon the same, and generally to

Paving.

Gutters.

Chimneys.

Gunpower.

Width of pavement.

When may order repaving, etc.

Registration of dogs.

Dog Tax.

Fines and penalties.

Town surveyor

OF CITIES AND TOWNS.

do and perform all such matters and things as they may deem necessary for carrying into effect the provisions in this act.

The said council shall have power to regulate shows, exhibitions and public representations of all kinds within the town, and to establish and receive for the use of the town all fees for licenses issued to the same.

Section 10. Whenever the said town council shall have determined that any paving, curbing, or any or either or all of them shall be done, they shall notify the owners of the land in front of whose premises the same is to be done, particularly designating the nature and character thereof, and thereupon it shall be the duty of such owner to cause such paving, graveling and curbing to be done in conformity with said notice. In the event of any owner neglecting to comply with said notice for the space of thirty days, the said council may proceed to have the same done, and when done the treasurer of the town shall, as soon as convenient thereafter, present to the owner or owners of such lands a bill showing the expenses of such paving, graveling and curbing; if such owner or owners be not resident in the town of Seaford such bill may be presented to the occupier or tenant of said lands, or if there be no occupier or tenant resident of said town of Seaford, such bill may be sent by mail to such owner or owners, directed to him or them at the post-office nearest his or their residence. If such bill be not paid by the owner or owners of such lands within thirty days after the presentation thereof as aforesaid, then it shall be the duty of said town council to issue a warrant in the name of the Town of Seaford, under the hand of the president of the town council and seal of the said corporation, directed to the treasurer of the Town of Seaford, commanding him that of the goods and chattels, lands and tenements of such owner or owners, he should cause to be levied and made the amount of said bill, together with all costs. It shall be the duty of the treasurer of the Town of Seaford, as soon as convenient after the said warrant shall be delivered to him, and after ten days' notice to the owner or owners of such lands, and after posting five or more notices of sale in at least five public places in the Town of Seaford, at least ten days before the day of sale, to sell the goods and chattels of

May regulate shows.

Duty of Council relating to paving.

Notice to owners.

Owner neglecting to pave, Council may do so.

Costs thereof, how recovered.

When may sell property to pay said advances.

Sale of land.

Notice.

. OF CITIES AND TOWNS.

said owner or owners at public auction, or so much thereof as may be necessary to pay the amount of said bill with all costs. If no goods and chattels of such owner or owners can be found within said town sufficient to satisfy the amount of said bill with all costs, then it shall be the duty of the said treasurer of the said Town of Seaford, after ten days' notice to such owner or owners as aforesaid, and after posting five or more notices of sale in at least five public places in the Town of Seaford, for at least ten days before the day of sale, and after causing such notice of sale to be published twice in one newspaper printed in the said Town of Seaford, or if there be no newspaper printed in the said Town of Seaford then in a newspaper printed anywhere in Sussex County, to sell the lands and tenements of such owner or owners in front of which such paving, graveling and curbing, or either of them, have been done, or so much of said lands and tenements as may be sufficient to satisfy the amount of said bill with costs, and a deed from the treasurer of the said Town of Seaford, shall convey to the purchaser or purchasers of such lands and tenements as full and complete title, in fee simple or otherwise, as if the same were executed by the owner or owners thereof. The claim for paving, graveling and curbing shall be a lien on the premises in front of which the said work was done, and shall have priority over any lien, incumbrance or conveyance suffered or made by the owner or owners after the presentation of the said bill as aforesaid. It shall be the duty of the treasurer of the said town, from the purchase money of the said goods, and chattels, or lands and tenements, sold as aforesaid, to pay all costs arising from the proceeds and sale to the parties entitled thereto, and to retain for the use of said town the amount of the said bill as aforesaid, and the residue of the said purchase money, if any, shall be deposited in the Farmers' Bank of the State of Delaware at Georgetown, to the credit of the said owner or owners. The treasurer of the said town shall be entitled to receive five dollars for every sale of personal property under this section, and ten dollars for every sale of real estate under this section, together with such additional sum as may be reasonable and proper for the keeping, taking care of such personal property, for selling the same, and for advertising, all of which shall be part of the cost to be paid out of the purchase

Title acquired
by purchaser at
such sale.

Priority over
other liens.

Proceeds of
sale how dis-
tributed.

Surplus.

Fees.

OF CITIES AND TOWNS.

money as aforesaid. Any notice required by this section to one co-owner shall be notice to all, and in case no owner shall reside in the said town, notice served upon the occupier or tenant shall be sufficient, or if there be no owner, or occupier, or tenant of said premises resident in the town, it shall be sufficient to send notice by mail to any owner of said premises, directed to him or her at the post-office nearest his or her place of residence; the provisions hereinbefore contained in this section shall apply to any order made by the council of the said town in respect to any pavement, sidewalk, or curb heretofore made or done, which the said council may deem insufficient or to need repairing. The said council, in addition to the provisions of this section hereinafter contained, shall have power and authority to enforce, by ordinance, all the requirements of this section by imposing such fines and penalties as shall, in the judgment of said council, be necessary and proper.

Notice to one
of co-owners
sufficient.

Notice, what is
good service.

Section 11. The town council of said town shall have power and authority to make, establish and publish such ordinances as they may deem beneficial for the good government of the said town, at any stated meeting. There shall be twelve stated meetings, to be held on the second Tuesday of each month. They shall have and are hereby vested with power and authority to prescribe the fines and penalties for violations of any of the provisions of this act, or of the ordinances which they may enact in pursuance hereof, and which are not specially provided for in this act. All such fines and penalties which may be imposed, either by this act or the ordinances enacted as aforesaid, may be collected before the alderman of said town, or any justice of the peace of said town, and in default of payment said alderman or justice of the peace may commit for any time not exceeding thirty days.

Stated meet-
ings.

May prescribe
fines.

Fines, how
recovered.

Section 12. The council of said town may appoint such number of town constables as shall be deemed necessary, who, with the constable of Sussex county residing in said town, shall constitute the town police. The council of said town shall also have power and authority to remove any of the town constables at any time, and appoint others in the place of those removed if it shall be deemed necessary to make such appointments.

Town consta-
bles.

OF CITIES AND TOWNS.

Annual state-
ment of ac-
counts.

Section 13. The council of said town shall cause a statement of their receipts and expenditures to be published once a year in at least one newspaper printed in said town, but if there be no newspaper printed in said town it shall be the duty of said council to submit their book of accounts, containing the amounts received and paid out during each year, to the voters of said town, at the annual election, for their inspection. The said councilmen shall be allowed for their attendance at each of said meetings a sum not exceeding one dollar.

Salary of
Councilmen.

Council given
control over
streets.

Penalty for ob-
structions
streets.

Section 14. The council of said town shall have power and authority to make such regulations and enact such ordinances relative to the traveling over and upon the streets, lanes, or alleys in said town, and to the use thereof, and the standing or placing of carts, carriages, or other vehicles, or obstructions in and upon the public squares, or any of said streets, lanes, alleys or sidewalks, as they shall deem proper to secure the free and uninterrupted use and enjoyment thereof; and if any person shall violate the regulations and ordinances of the said council in that behalf every person so offending shall forfeit and pay to the treasurer of said town, for the use of said town, a sum not exceeding ten dollars, to be recovered, with costs, by the treasurer of said town in the name of the Town of Seaford, before the alderman of said town, or before any justice of the peace residing in said town, in the same manner as debts of like amount are recoverable by law.

May use Coun-
ty jail.

Section 15. It shall and may be lawful for the council of said town to use the jail of Sussex County for the purpose of carrying into effect any judgment or sentence pronounced under the provisions of this act, or for carrying into effect any ordinances or regulations adopted under the provisions of this act; and it shall be the duty of the keeper of said jail to receive and lock up in said jail any person committed to his custody under the provisions of this act, or under the provisions of any ordinance of the council of said town.

Council may
use town funds
for what pur-
pose.

Section 16. The council of said town shall have the power and authority to use the money in the treasury of said town, or of any portion thereof, for the improvement, benefit and ornament thereof, as they may deem advisable. In the

OF CITIES AND TOWNS.

general performance of their duties the acts, doings and determinations of a majority of the council of said town shall be as good and binding as the acts doings and determinations of the whole. In case of a vacancy or vacancies in the council of said town, the remaining members until such vacancy or vacancies shall be filled as hereinbefore provided, shall have the same power and authority as the whole. A majority of the council shall constitute a quorum for the transaction of business.

Majority controls.

Vacancies, how filled.

Quorum.

Section 17. It shall be the duty of the alderman of said town, and council of said town, and of the constables of Sussex County residing in said town, and of the town constables, to suppress all riotous, turbulent, disorderly or noisy assemblages or gatherings of persons in or about any buildings used for any fair, festival, concert or any other social, literary or religious meeting, or any entertainment whatsoever, or in the streets, lanes, squares or alleys of said town at any time or season whatever; to prevent all gatherings whatever which may obstruct or interfere with the free use of the streets, lanes, alleys or sidewalks, and for this purpose it shall be the duty of any of said constables to seize and arrest any such persons so offending and carry him or them before the alderman of said town, whose duty it shall be to hear and determine the case, and upon conviction before him the alderman shall sentence any such person so convicted to pay a fine not exceeding ten dollars, and may commit the party or parties to prison for a period not exceeding thirty days, or until said fines and costs shall be paid. It shall be the duty of the alderman of said town upon complaint made before him of any such riotous, turbulent or noisy assemblages or gatherings as aforesaid, to issue his warrant to any of the constables aforesaid, commanding him to arrest and bring any such person so offending as aforesaid before him for trial. It shall be the duty of the constable aforesaid, or any one of them, to arrest any drunken or disorderly person they may see on the streets of said town and take such person so arrested before the alderman of said town, who shall proceed forthwith to hear and determine the case, and upon conviction before him he shall sentence such person in the same manner and to the same punishment provided in this section for the punish-

Riots.

Obstruction of Streets.

Penalty.

On complaint Alderman may issue writ for arrest.

Constable, duty of.

Hearing.

Penalty.

OF CITIES AND TOWNS.

ment of persons brought before him for the offenses in this section first enumerated. If upon view of the person or persons who may be brought before the alderman of said town for violation of this section, it shall appear to the alderman that in his judgment such person or persons are not in a condition to be heard and tried, he may use his own discretion in fixing or appointing a time for trial of all such person or persons brought before him for violating this section. The fee to the alderman of said town for the trial of any cause under this section shall be fifty cents, and to the constable making the arrest fifty cents. In case of commitment the constable shall receive an additional fee of two dollars, and the keeper of said jail shall be entitled to a fee of fifty cents, for each commitment, whether by a constable or by the alderman of said town, and he shall be entitled to the same pay for board of the person so committed as is allowed by the Levy Court for board of prisoners. Provided the town shall pay for the board of all persons committed to jail for violation of the charter or by-laws of the Town of Seaford.

Alderman may continue case.

Fees.

Proviso.

Section 18. The alderman of said town, the council of said town, and the town constables shall have power and authority to suppress, extinguish and prevent all bonfires in any of the streets, lanes, alleys or squares of the said town, and to suppress and prevent the firing of guns or pistols, or the setting off of fire-crackers or other fire-works, or the making and throwing of fire-balls, within the limits of said town, and the council of said town may by ordinance or ordinances impose fines and penalties upon the persons violating the provisions of this section, and may provide for the collection of such fines and penalties so imposed.

Council may prevent bonfires.

Guns, firing of.

May adopt ordinances imposing fines for violation of Act.

Section 19. The council of said town are hereby authorized and required to cause all obstructions and nuisances that may at any time be and exist within the limits of said town or alleys, or on the sidewalks, or in any other place within the limits aforesaid, to be removed and abated. The council of said town, or a majority of them, may proceed, either on their own view, or upon complaint of any other citizen, in writing, stating the character of the obstruction or nuisance and where the same exists. If the council of said town, or a

Nuisance to abate.

Procedure.

OF CITIES AND TOWNS.

majority of them, either of themselves, or upon such information, and upon view, shall determine that an obstruction or nuisance exists and ought to be removed, they shall give notice, in writing, signed by the president of said council, to the person causing the obstruction or nuisance, or who is responsible for its existence or continuance, to remove or abate the same; and if such person shall refuse or neglect, for the space of two days after such notice, to remove or abate such obstruction or nuisance, the council of said town shall have power and authority to cause such obstructions or nuisance to be removed or abated, and for this purpose the council of said town may issue a warrant in the name of the Town of Seaford, under the hand of the president of the council and the seal of the said corporation, and directed to any constable of the town of Seaford, commanding him forthwith to remove or abate such obstruction or nuisance; whereupon the constable to whom the said warrant may be delivered shall forthwith proceed to remove or abate the same, and for this purpose he shall have full power and authority to enter into and upon any lands and premises within the town of Seaford, and to take with him such assistance, implements, horses, carts, wagons, or other things as may be necessary and proper, and do and perform all matters and things, right and proper to be done, for the removal of such obstructions or the abatement of such nuisance. The cost and damages of all the proceedings shall be determined and adjudged by the council of said town for the use of the town, and shall be paid by the person causing the obstruction or nuisance, or who is responsible for its existence or continuance, within ten days after a bill stating the amount of such cost and damages, shall have been presented to such person. Then the council of said town may proceed to collect the same out of the goods and chattels of such person, by warrant issued to the treasurer of said town, in the same manner as is provided in Section 10 of this act for the collection of the expenses of any paving, graveling, &c.; and the treasurer of said town, upon the receipt of such warrant shall have all the powers to sell the goods and chattels of such person conferred, and shall proceed in the same manner as directed by said section ten of this act on warrants directed to him under said section to collect the expense of paving, graveling, &c., except that

Notice.

Refusal to
abate.Council may
issue warrant.Constable to
proceed to
abate nuisance.Costs, how
paid.On refusal of
person in viola-
tion to pay
costs, how
recovered.

OF CITIES AND TOWNS.

Party guilty of
maintaining
nuisance sub-
ject to fine.

nothing in this section contained shall confer any power upon the treasurer of said town to sell any lands and tenements. If the person causing such obstruction or nuisance, or who is responsible for its existence or continuance, shall neglect or refuse to remove or abate the same for the space of two days after such notice as aforesaid, he shall, in addition to the provisions hereinbefore in this section in that behalf contained, forfeit and pay to the treasurer of said town, for the use of the town, the sum of five dollars, and one dollar additional for each and every day such obstruction or nuisance shall continue unremoved or unabated after the expiration of the two days' notice as aforesaid, to be recovered, with cost of suit, in the name of the Town of Seaford, before the alderman of said town, or any justice of the peace residing in said town, as debts of like amount are recoverable. In ascertaining the amount of the judgment, the person before whom the case is heard and determined shall compute the time beginning with and including the day following the expiration of the said two days' notice up to and including the day on which judgment is rendered, if the obstruction or nuisance be then not abated or removed, or if then removed or abated, up to and exclusive of the day on which such obstruction or nuisance was removed or abated, and one dollar for every such day shall be added to the five dollars and judgment rendered accordingly. If the amount of the judgment, exclusive of costs, shall exceed one hundred dollars, the case shall not be cognizable before the alderman or a justice of the peace, but in such cases suit, in the name of the Town of Seaford, may be brought in the Superior Court of the State of Delaware in and for Sussex County. These last provisions shall be cumulative and additional to the provisions hereinbefore in this section contained.

When suit for
fines may be
brought in
Superior Court.

Refusal of Con-
stable to act,
penalty for.

Section 20. If any constable shall neglect or refuse to perform any of the duties required of him by this act, he shall be deemed guilty of a misdemeanor, and it shall be the duty of the council of said town to present him to the grand jury of Sussex county, and upon conviction thereof by indictment he shall be fined in a sum not less than ten nor more than one hundred dollars, and may imprisoned in the discretion of the court for any term not exceeding one year, and upon such conviction he shall ipso facto forfeit his office.

OF CITIES AND TOWNS.

Section 21. The town council shall also elect, at their stated meeting in March, annually, as hereinbefore provided, by ballot, a treasurer, clerk, and assessor, for said town, who shall hold their offices for the term of one year, and until their successors shall be duly elected. The treasurer and clerk may or may not be the same person. The assessor shall be a freeholder, resident in said town, and may or may not be a member of said council. The said council shall also have authority to elect, by ballot, a collector of taxes in any year they may think proper to do so. The treasurer, before entering upon the duties of his office, shall be sworn or affirmed faithfully, honestly and diligently to perform the duties of his office, which oath or affirmation may be administered to him by the president of said council or by any member thereof, or by any justice of the peace or notary public. He shall, also, before entering upon the duties of his office, give bond to the Town of Seaford, with sufficient surety, to be approved by the council of said town, in the penal sum of double the amount of what may be likely to come into his hands conditioned for the faithful performance of the duties of his office, and for the payment to his successor in office all sums of money belonging to said town which may remain in his hands upon the settlement of his accounts, to which said bond and condition there shall be annexed a warrant of attorney for the confession of judgment for said penalty. The said treasurer shall pay all orders drawn on him by order of said council and signed by the president and clerk thereof out of any moneys in his hands belonging to said town. He shall settle his accounts with the said council annually in the month of February, and oftener and at such other times as the said council may require. The said treasurer shall also, in any year when no collector of taxes shall be elected by the council of said town, and when required to do so by said council, collect all the taxes assessed in said town as hereinafter provided. It shall be the duty of the clerk of said town to keep a true and faithful record of all the proceedings of the council of said town at all meetings held by them, and to do and perform such other matters and things as may be required of him by this act, or which may be prescribed by any ordinance or ordinances enacted by said council. The treasurer, clerk and assessor of said town shall each receive reasonable compensation for

Treasurer.
Clerk.
Assessor.

Collector.

Treasurer to be
sworn.

Bond of.

Condition.

Warrant to
confess judg-
ment.

Duties of.

Compensation.

OF CITIES AND TOWNS.

- Proviso.** their services, to be determined by the council of said town. Provided the compensation of the said treasurer as such shall not exceed two per cent. on all moneys received by him belonging to said town, and of the treasurer acting as collector shall not exceed ten per cent. on the taxes collected by him.
- Assessment.** Section 22. It shall be the duty of the assessor of said town annually to assess every male citizen resident of the town above the age of twenty-one years one dollar per capita, and also the real and personal property of every citizen subject to county assessment and taxation; also non-residents who may own real estate in the Town of Seaford, all of which shall be assessed at its cost value in money. The said assessor shall make such assessments to the best of his knowledge and belief, and return the same to the council of said town within six weeks next after the election of said assessor.
- Copy hung up.** The council of said town shall, within five days next after receiving said assessment list, cause a full and complete transcript of said assessment list to be hung up in the post-office in said town, there to remain for the space of ten days thereafter for public inspection, and the said council shall, on the Monday next after the expiration of the said ten days, hold a court of appeals which shall continue open from two o'clock P. M., till four o'clock P. M. of said day, when they shall hear and determine appeals from said assessment; and make corrections or additions to or alterations in said assessment.
- Appeals.** Notice of the hanging up of the said assessment list, and also at the same time notice of the time and place of hearing appeals shall be given by posting such notice in at least five public places in said Town of Seaford. The determination of the council of said town upon any appeal or upon matter relating to such assessment shall be final and conclusive. No member of council of said town shall sit upon his own appeal, but the same shall be heard and determined by the other members of said council. After the said valuation and assessment shall be examined and adjusted by the council of said town, all taxes shall be levied, assessed and raised on the real estate, personal property and persons thus valued and assessed, in just and equal proportions and rates, over and above the one dollar per capita, on each male citizen of said town as hereinbefore provided. The assessor, before enter-
- Notice of.**
- Determination of Council final.**
- Taxes to be levied, how.**

OF CITIES AND TOWNS.

ing upon the duties of his office, shall be sworn or affirmed diligently, faithfully and impartially to perform the duties of his office to the best of his ability, knowledge and judgment, which oath or affirmation may be administered to him by the president of said council, or by any member thereof, or by any justice of the peace or notary public.

Assessor to be sworn.

By whom administered.

Section 23. The council of said town, after having ascertained the sum necessary to be raised on the said town for the purpose of this act, which sum shall in no year exceed one thousand dollars, clear of dog tax and all delinquencies and expenses of collecting, and after having apportioned the same on the assessment and valuation aforesaid, shall annually in the month of May, or as soon thereafter as convenient, cause to be delivered to the collector of taxes, if there be one elected by the council of said town in said year, or if there be none to the treasurer of said town, a list containing the names of the taxables, as well the owners of real estate as those not owning real estate, and opposite the name of each the amount of the real estate, his poll or per capita and assessable personal property and the tax on the whole valuation and assessment, and the rate per hundred dollars, and which list shall be signed by the president of said council. The collector of taxes, or if there be none elected in said year, the treasurer of said town, immediately after receiving said list, and in collecting the same, shall have all the power conferred by law on the collectors of the county rates and levies by the provisions of Chapter 12 of the Revised Code of 1852. In the collection of said taxes, the council of said town shall have the power and authority to order the collector of taxes, or if there be none, the treasurer, to deduct five per cent. from the amount of tax assessed against the person or property of any one who will pay such tax by the first day of August in any year following the assessment of the same. The collector of taxes, before entering upon the duties of his office, shall give bond to the Town of Seaford, with sufficient surety to be approved by the council of said town, in the penal sum of twice the amount likely to come into his hands, conditioned for the faithful performance of the duties of his office and the payment to the treasurer of said town of all moneys collected by him belonging to said town, and for the

Limit of taxation.

Duplicate delivered to collector, when.

Power of Collector.

Abatement of taxes.

Bond of Collector.

Condition of.

OF CITIES AND TOWNS.

settlement of his accounts with the council and treasurer of said town in the month of February next following his election as collector of taxes, and at such other times as the council of said town may require, to which said bond and conditions there shall be annexed a warrant of attorney for the confession of judgment for said penalty. The collector of taxes shall receive a reasonable compensation for his services, to be determined by the council of said town; provided, that he shall not receive more than ten per cent. on the taxes collected by him. The council shall have power to make just allowances for delinquencies in the collection of taxes.

Warrant to confess judgment.

Compensation of.

Proviso.

Section 24. The president, alderman, treasurer, clerk, collector, and town constables shall continue and hold their respective offices until the second Tuesday in March next, or until their successors shall be duly elected under the provisions of this Act.

Present officers, terms of.

Council may issue bonds, when.

Section 25. That the town council shall not have authority to issue bonds without express authority of the General Assembly and without first being submitted to a vote of the qualified electors of said town.

Chapter Volume repealed.

Saving.

Ordinances unimpaired.

Acts done ratified.

Debts due and owing unaffected.

Section 26. The act entitled "An Act re-incorporating the Town of Seaford," passed at Dover, February 19, 1883, and the several acts amending the same, which are inconsistent with this act, be and the same are hereby repealed and made null and void, saving and excepting, however, from the effect of such repeal and hereby expressly declaring that all the ordinances of the town of Seaford heretofore enacted or adopted and now in force in pursuance of any law of this State shall continue in full force and effect until repealed, altered, or amended by the council of said town; that all the acts and doings of the council, formerly called commissioners, of said town, or of any officer of said town, lawfully done or performed under the provisions of any law of this State, or of any ordinance of the commissioners of said town, are hereby ratified and confirmed; that all debts, fines, or penalties and forfeitures due said town of Seaford, and all debts due from said town of Seaford to any person or persons whomsoever, or to any corporation, are hereby declared to be unaffected and unimpaired by this repeal.

OF CITIES AND TOWNS.

and all the laws of this State for the collection and enforcement thereof shall continue in full force until the same shall be fully paid and discharged; that all the powers now conferred by law upon the collector for the collection and enforcement of all taxes in said town, heretofore assessed and uncollected, shall continue in full force and effect until all of said taxes shall be fully collected and paid; that the official bond of said collector shall be unaffected and unimpaired by this repeal, and that he and his sureties therein shall continue liable for any breaches of any of the conditions of said bond; that the official bond of the treasurer of said town shall not be affected or impaired by this repeal, and that he and his sureties therein shall continue liable for any breaches of any of the conditions of said bond; and that all proceedings heretofore commenced for the collection of any penalty, fine, forfeiture, or debt, due said town under any law or ordinance, shall not be affected or impaired by this repeal, but the same may be prosecuted to judgment and execution until the same be fully paid, liquidated and discharged.

Taxes unaffected.

Collector's bond unaffected.

Treasurer's bond unaffected.

Proceedings to be unaffected.

Section 27. This act shall be deemed and taken to be a public act.

Approved, March 30, A. D. 1905.

TITLE TWELFTH.

Of Titles to Real Property.

CHAPTER 195.

OF ALIENS.

AN ACT in relation to the estate of Aliens, and to complete their title to the same.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Grants to aliens prior to January 1st, 1905, to convey a good title.

Conveyance made by alien declared legal and carrying good title.

Section 1. That all grants, bargains, sales, conveyances and devises of lands, tenements and hereditaments within the State, made before the first day of January, A. D. 1905, to any person or persons, who, at the time of making the same, was an alien or were aliens, shall be good and effectual to vest in the grantee or grantees, bargainee or bargainees, devisee or devisees, such estate and interest and as good a right and title in the same as he or she or they could have taken by the same grant, bargain, sale, conveyance or devise, if he, or she, or they had been legally naturalized at the time of making the same, and all deeds and conveyances made of any lands, tenements or hereditaments within this State by any such alien or aliens, or his or her or their legal representatives, or by virtue of any legal process directed to the sheriff or coroner before that time, shall be as good and effectual to vest in the grantee or grantees, bargainee or bargainees, devisee or devisees, such estate and as good a right and title in and to the same lands, tenements and hereditaments as such grantee, bargainee or devisee could have taken by the

OF ALIENS.

same if the grantor, bargainor or divisor had been legally naturalized at the time of making such grant, bargain, sale, conveyance or devise last mentioned; and any mortgage or other security taken by any alien to secure the payment of purchase money or any part thereof of lands, tenements or hereditaments sold and conveyed by such alien, shall be as good and effectual and collectible by the same process of law as if the person in whose favor the same was or may be taken had been legally naturalized at the time of making such mortgage or other security.

Mortgage taken by alien declared effectual.

Section 2. And be it further enacted as aforesaid, that the widow, child or children respectively of any alien who died before the first day of January, A. D. 1905, shall be held to have acquired and taken the same interest, right and estate as they would have done if such alien and the said widow, child or children had been citizens at the time of the death of said alien, and all conveyances made by such widow, child or children of their or any of their right or estate by legal proceedings, shall be as valid and as effectual to convey such rights and estates as if such alien and said widow, child or children had been citizens at the time of the death of such alien.

Widow or child of alien dying previous to January 1, 1905, shall take title in estate.

Conveyance by widow or child valid.

Section 3. And be it further enacted as aforesaid, that the child or children, brothers, sisters or other next of kin respectively, who were aliens at the time of the death of any person dying intestate before the first day of January 1905, shall be held to have acquired and taken by descent the same interest, right and estate in the lands, tenements and hereditaments of such intestate, situate within the State of Delaware, as they would have acquired and taken if they had been citizens of the United States at the time of the death of such intestate, in accordance with the intestate laws of the State of Delaware, and all conveyances, mortgages or other deeds affecting such lands, tenements or hereditaments made or to be made by such aliens shall be as valid and effectual in respect thereto as if such aliens were citizens of the United States at the time of the execution thereof.

Alien children, brother, sister or next of kin, may inherit as though citizens of the United States.

Section 4. And be it further enacted as aforesaid, that all conveyances and all letters of attorney relating to conveyances of land, tenements and hereditaments within this State,

Deeds acknowledged before consular agent rendered valid if taken prior to January 1, 1905.

OF INTESTATES' REAL ESTATE.

which shall have been acknowledged before any consular agent and attested under the seal of such consular agent before the first day of January, A. D. 1905, shall be deemed and taken to have been legally and properly acknowledged, and if not already recorded may and shall be admitted of record in the county in which the lands, tenements and hereditaments conveyed thereby are situated, and all such conveyances, or a duly certified copy of the record thereof, shall be evidence in any court of law or equity in this State.

Approved, March 29, A. D. 1905.

Such deeds
may be
recorded.

Such deeds
shall be
evidence.

CHAPTER 196.

OF INTESTATES' REAL ESTATE.

AN ACT to provide a mode for the assignment of dower to insane widows in intestate Real Estate.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That a parcener or an assignee of a parcener's interest in real estate of any person who shall die intestate leaving an insane widow or a widow who shall become insane before the assignment of dower and partition of the residue in such intestate real estate, may prefer his petition to the Chancellor, stating the facts, supported by the affidavit of two or more creditable persons touching the insanity of such widow; and the Chancellor may, if he shall consider it a proper case, make an order, either in term or at Chambers, appointing a trustee for such insane widow to join in a petition for the assignment of dower and partition of the residue on her behalf, with any parcenor* or assignee of a parcenor* of such real estate, to the Orphans Court of the County wherein such intestate real estate is situate; and when such petition shall have been presented to the Orphans

Parcener may
petition Chan-
cellor for ap-
pointment of
Trustee of in-
sane widow.

Said Trustee
may join in
petition for
assignment of
dower.

*So Enrolled.

OF INTESTATES' REAL ESTATE.

Court it shall be proceeded with in the same manner and dower assigned to the said widow in the same manner as if such widow was sane and had joined therein :

Provided, however, that if no partition shall have been made of the residue after the assignment of dower to such widow, the said Trustee may on behalf of such widow, by petition, elect to take in lieu of her said dower, by metes and bounds, an equivalent share of the proceeds of sale of the whole of such intestate real estate; and thereupon the Court may set aside the assignment of dower, as made by the free holders, and shall order the said real estate to be sold as provided by Section 17, Chapter 85 of the revised code of 1893.

Proviso.

Said Trustee may waive dower by metes and bounds and take equivalent share of proceeds of sale.

Approved, March 21, A. D. 1905.

TITLE FOURTEENTH.

Of Courts of Justice.

CHAPTER 197.

OF THE COURT OF CHANCERY.

AN ACT vesting title to Trust Property in Trustees appointed by the Chancellor.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Chancellor empowered to appoint Trustee in certain cases.

Trustee to give bond.

Section 1. Whenever the sole or surviving trustee shall die or be removed, or a trustee shall renounce a trust, or a trust shall be created and no person appointed by name or description to execute the same, and whenever in such or any case a Trustee shall be appointed by the Chancellor of the State of Delaware, then upon the giving by said Trustee of the security required to be given by him, all the trust property, estate and effects, of every kind whatsoever, and where-soever situate and being, shall forthwith and without any act or deed pass to and be vested in such new or succeeding Trustee.

Approved, March 29, A. D. 1905.

TITLE FIFTEENTH.

Of the Justices of the Peace.

CHAPTER 198.

APPOINTMENT OF.

AN ACT to enable the Governor to appoint an additional Justice of the Peace for Kent County, to reside in Mispillion Hundred, at or near the Town of Hickman.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That the Governor be and he is hereby authorized and empowered to appoint a Justice of the Peace for Kent County who shall reside in Mispillion Hundred, at or near the town of Hickman.

Justice of the
Peace at Hick-
man, Kent
county.

Approved, April 6, A. D. 1905.

APPOINTMENT OF.

CHAPTER 199.

APPOINTMENT OF.

AN ACT to enable the Governor to appoint a Justice of the Peace for Kent County to reside in North Murderkill Hundred Seventh Representative District in the Town of Wyoming.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Justice of the
Peace in Kent
county, at
Wyoming.

Section 1. That the Governor be and he is hereby authorized and empowered to appoint a Justice of the Peace for Kent County, who shall reside in North Murderkill Hundred, Seventh Representative District, in the town of Wyoming.

Approved, February 28, A. D. 1905.

TITLE SIXTEENTH.

Of Civil Actions in General.

CHAPTER 200.

OF JUDGMENTS.

AN ACT to amend an Act entitled "An Act Limiting Judgment Liens upon Real Estate in Kent and Sussex Counties and for other purposes" approved at Dover, March 23, A. D. 1903, and being Chapter 457, of Volume 22, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That an Act entitled "An Act Limiting Judgment Liens upon real estate in Kent and Sussex Counties and for other purposes" approved at Dover, March 23, A. D. 1903, and being Chapter 457 of Volume 22, Laws of Delaware, be and the same is hereby amended by striking out all of said Act after the enacting clause thereof, and inserting in lieu thereof the following, viz.:

Chapter 457,
Volume 22,
amended.

"Section 1. No judgment for the recovery of money hereafter entered or recorded in the Superior Court of this State in either Kent County or Sussex County whether rendered by said Court or transferred thereto from the Supreme Court, or from the dockets of a justice of the peace, or operative in either of said counties by virtue of any writ of testatum fieri facias, or otherwise, howsoever recorded in said court, shall continue a lien upon real estate for a longer term than ten years next following the day of entry or recording of such judgment; or in case the whole or any part

No judgment
a lien upon real
estate for more
than ten years
in Kent and
Sussex
counties.

OF JUDGMENTS.

of the money for which said judgment shall be recovered or rendered shall not be due and payable at or before the time of its entry or recording the day on which such money shall have become wholly due and payable unless within said term of ten years, the lien of such judgment shall be renewed and continued by a written agreement, signed by the plaintiff or if there be more than one, one or more of the plaintiffs therein, or the assignee or assignees thereof, or the person or persons to whose use such judgment shall have been marked, or his, her or their executors or administrators, and by the defendant or defendants, therein, or his, her or their executors or administrators, and in order to bind lands conveyed by the defendant or defendants by deeds of record, subsequent to such judgment the terre tenant or terre tenants of the real estate bound by such lien, or, in case of a judgment upon a mechanic's lien, the terre tenant or terre tenants of such real estate, or by the attorneys of record of the respective parties to such judgment, or of the persons interested therein as aforesaid, in substantially the following form, after stating the title of the cause, to wit; "It is agreed that the lien of this judgment shall be extended for the term of ten years," filed in the office of the Prothonotary and by him minuted and certified upon the record of said judgment, or of the testatum fieri facias, as the case may be, or by scire facias, in manner hereinafter set forth; provided, however, that if a writ of scire facias shall be sued out of said court before the expiration of said term of ten years, and said term shall expire during the pendency of the proceedings upon the scire facias, the lien of said judgment shall continue until final determination by said court of the rights of the respective parties thereto; or until the discontinuance or dismissal of such scire facias; and provided further, that if final judgment in such scire facias shall be rendered against the plaintiff or plaintiffs therein, and a writ of error shall be taken and the Supreme Court shall render final judgment thereon in favor of the plaintiff or plaintiffs in error, the lien of such original judgment shall be restored and continued, but such restoration or continuance of said lien by such final judgment by the Supreme Court shall not in any manner effect or be operative as against any bona fide purchaser, mortgagee or judgment creditor who shall become such after the entry of such final judgment by the Superior Court upon such scire facias and

How renewable.

Form of renewal.

Prothonotary to certify in record.
Proviso.

Lien continued pending proceedings in Scire Facias.
Proviso.

Effect of writ of error.

When restoration not operative, as against bona fide purchasers, etc.

OF JUDGMENTS.

before the noting upon the record of such final judgment in such scire facias of the taking of such writ of error.

Section 2. Immediately from and after the minuting and certifying upon the record of such original judgment, or of such testatum fieri facias, as the case may be, of such agreement for the extension of the lien thereof, or the entry of final judgment in the Superior Court in favor of the plaintiff or plaintiffs in such writ of scire facias, or the entry of final judgment in the Supreme Court restoring and continuing such lien, such lien shall continue for the further term of ten years next thereafter unless sooner lost by final judgment of the Supreme Court. And in like manner and with like effect such liens so renewed or restored and continued may, by a like agreement filed and minuted and certified upon the record of such original judgment, or of such testatum fieri facias, as the case may be, as aforesaid, before the expiration of the extended term or by final judgment in scire facias as aforesaid, be again renewed or restored and continued for the further term of ten years, and so from time to time as often as shall be found necessary.

Extension of
lien for ten
years.

Subsequent
renewals.

Section 3. After the first day of January A. D. nineteen hundred and six, no real estate shall be seized or taken by virtue of execution process upon any judgment for the recovery of money entered or recorded in the Superior Court of this State in either Kent County or Sussex County prior to the first day of January A. D. eighteen hundred and nine-six, and wholly due and payable on or before the day and year last aforesaid, and from and after the said first day of January A. D. nineteen hundred and six, the lien of such judgment upon real estate shall be lost unless prior to that time such lien shall be renewed and continued by agreement filed or by scire facias sued out in manner as provided in the preceding sections of this act.

After January
1st, 1906 no real
estate to be
taken by execu-
tive process
upon judgment
obtained prior
to January 1st
1896 and then
wholly due and
payable.

Judgement lien
to be lost unless
renewed pur-
suant to this
Act.

No real estate shall be seized or taken by virtue of execution process upon any other judgment, for the recovery of money heretofore entered or recorded in said court, after the expiration of the term of ten years next following the day of entry or recording of such judgment; or in case the whole or any part of the money for which such judgment was recovered or rendered was not due or payable at or before the

No real estate
to be seized in
judgment after
ten years from
entry, etc. from
day such judg-
ment is due and
payable unless
so renewed un-
der this Act.

OF JUDGMENTS.

time of its entry or recording, the day on which such money became or shall become wholly due and payable, and at the expiration of said term of ten years the lien of such judgment upon real estate shall be lost, unless within said term of ten years such judgment shall be renewed and continued by agreement filed or by scire facias sued out in manner as provided in the preceding sections of this Act. All the provisions of the preceding sections not inconsistent with the provisions of this section shall be applicable for the renewal or restoration and continuance and preservation of the lien of the judgments hereinbefore mentioned in this section and as to the force and effect and the loss of such lien.

Consistent provision of preceding section applicable.

Judgment revived by scire facias and lien from time of renewal.

Section 4. In case the lien upon real estate of any judgment for the recovery of money heretofore or hereafter entered or recorded in the Superior Court of this State in either Kent County or Sussex County shall be lost or interrupted under the provisions of this Act and the said judgment shall thereafter be revived by scire facias, the same when so revived shall be a lien upon the real estate of the defendant or defendants in the original judgment, or in case of judgment upon a mechanic's lien upon the real estate originally bound by such mechanic's lien from the time of such revival, but such lien shall not relate back, nor shall it in any manner affect any prior bona fide purchaser or mortgagee from or judgment creditor of such defendant or defendants or terre tenant or terre tenants.

Not to relate back nor to effect bona fide purchasers.

Proceedings by Scire Facias for extension of lien.

Section 5. In all cases where no agreement for the renewal and extension of the lien of judgments as hereinbefore provided for shall have been minuted and certified the plaintiff or plaintiffs in such judgments or the assignee or assignees thereof or the person or persons to whose use such judgment has been or shall be marked, or his, her, or their executors or administrators, may cause a writ of scire facias to be issued against the defendant or defendants in such judgment and the terre tenant or terre tenants of the real estate bound by such lien or in case of a judgment on a mechanic's lien, the terre tenant or terre tenants directed to the Sheriff of the County in which such writ shall issue, commanding him to make known to the defendant or defendants therein that he, she or they appear before said Court and show cause, if any there be, why the lien of such judgment should not be

OF JUDGMENTS.

renewed and continued and execution should not issue on such judgment. And in all respects the practice, pleadings and procedure upon such scire facias shall conform as nearly as may be to the practice, pleadings and procedure on other writs of scire facias sued out of said courts upon judgments under existing law.

Practice and
pleadings.

If final judgment be rendered for the plaintiff or plaintiffs in such writ, it shall be that the lien of such original judgment shall stand renewed and continued for the term of ten years next following the day of the entry of such judgment in the said action of scire facias, and that the plaintiff or plaintiffs therein have execution thereon as in other cases during said term of ten years.

Final Judgment.

Section 6. The provisions of the foregoing sections of this act shall not operate to defeat the due enforcement of any writ of execution under any judgment for the recovery of money heretofore or hereafter entered or recorded in the Superior Court of this State, in either Kent County or Sussex County, by virtue of which real estate shall be seized or taken, if such writ of execution shall be issued before the first day of January, A. D. nineteen hundred and six, or before the expiration of the said term of ten years, as the case may be, nor shall they apply to any judgment heretofore, or hereafter entered by virtue of a warrant of attorney or otherwise, by confession in said court in either Kent County or Sussex County upon any bond or obligation of indemnity, or for the faithful discharge of duty, or with conditions other than for the payment of money or to any judgment upon a mortgage or recognizance, nor shall they in any manner apply to or affect the lien of any judgment on a bond accompanied by a mortgage, and to secure which bond such mortgage has been or shall be given, except as to real estate not included in such mortgage, nor shall they in any manner apply to or affect the lien of any judgment on a bond taken by order of any Court of this State, that has heretofore been entered or may hereafter be entered.

Cases in which
this Act shall
not apply.

Section 7. No judgment hereafter entered by virtue of a warrant of attorney in the Superior Court of this State, in either Kent County or Sussex County, upon any bond or obligation with condition other than for the payment of

Judgment on
bond other than
for the payment
of money not a
lien unless said
bond or a certi-
fied copy be
filed with the
Prothonotary.

OF JUDGMENTS.

Duty of
Prothonotary.

Not to apply to
bonds of public
officers.

Terre tenant
defined.

Fees of
Prothonotary.

Saving from
the repealer all
acts done under
said Act prior
to January 1st,
1905.

Ratifying said
Acts.

money, shall be or operate as a lien upon real estate until said bond or obligation and warrant of attorney, or a copy thereof, certified under the hand of the Prothonotary and the seal of said court, shall be filed in the office of such Prothonotary. It shall be the duty of the Prothonotary, at all times thereafter, to safely keep such bond or obligation and warrant of attorney, or certified copy thereof, in his office. The provisions of this section shall not apply to any official bond or obligation given by a public officer.

Section 8. That the words terre tenant or terre tenants appearing in this Act shall be construed to mean the grantee or grantees of real estate to whom the same has been conveyed, as appears by the last conveyance of the same of record.

Section 9. The fees of the Prothonotary for services under the provisions of this Act shall, in so far as they are not provided for by existing law, be regulated by the Superior Court of the State in the several counties.

Section 10. That all acts and parts of acts inconsistent with this Act be and the same are hereby repealed, expressly saving and excepting, however, from the effect and operation of this repeal all acts and things which have been done for the extension or renewal of judgments, which were wholly due on or before the first day of January A. D. 1905, which renewals or continuances are hereby expressly declared to be good and effective in the preservation and continuance of such judgments as liens for the period of ten years from the date of the minuting and certifying of the agreement as hereinbefore provided for. And also expressly saving and excepting from the effect and operation of this repeal all proceedings by scire facias for the continuance and renewal of judgments which have been taken in compliance with the provisions of the act to which this is an amendment, which said proceedings shall be held good and effective.

Approved, March 16, A. D. 1905.

OF EXECUTION.

CHAPTER 201.

OF EXECUTION.

AN ACT providing for the exemption, after notice, of leased Pianos, Piano playing attachments and Organs from distress and execution process.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. From and after the passage of this Act all pianos, piano playing attachments and organs leased or hired by any person or persons, firm or firms, corporation or corporations residing in this State, shall be exempt from levy and sale on execution or from distress for rent due by such person or persons, firm or firms, corporation or corporations so leasing or hiring any such piano or pianos, piano playing attachment or attachments, organ or organs, in addition to any goods and chattels now exempt by law. Pianos, piano playing attachments and organs exempt from execution or attachment or distress for rent. Provided, that the owner or owners of any such piano or pianos, piano playing attachment or attachments, organ or organs, or his or their agent, or the person or persons, firm or firms, corporation or corporations so leasing or hiring the same shall give notice to the landlord or his agent that the instrument is hired or leased. Proviso. Duty of owner.

Section 2. All acts or parts of acts inconsistent herewith are hereby repealed.

Approved, March 30, A. D. 1905.

TITLE TWENTIETH.

Of Crimes and Punishments.

CHAPTER 202.

OFFENCES AGAINST THE LIVES AND PERSONS OF INDIVIDUALS

AN ACT to amend Section 6 Chapter 127 of the Revised Code, enlarging the term of imprisonment, for the crime of assault with intent to commit murder.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 6,
Chapter 127,
Revised Code
amended.

Section 1. That Section 6 Chapter 127 of the Revised Code be and the same is hereby amended, by striking out of the fifth line of said section the word "five", and inserting in lieu thereof the word "twenty".

Approved, March 29, A. D. 1905.

OFFENCES AGAINST THE LIVES AND PERSONS OF
INDIVIDUALS.

CHAPTER 203.

OFFENCES AGAINST THE LIVES AND PERSONS OF INDIVIDUALS

AN ACT to amend Section 11 of Chapter 127 of the Revised Code, enlarging the term of imprisonment for the crime of assault with intent to commit rape.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Section 11 of Chapter 127 of the Revised Code, be and the same is hereby amended, by striking out of the sixth line of the said section the word "ten", and inserting in lieu thereof the word "twenty".

Section 11,
Chapter 127,
Revised Code
amended in-
creasing pen-
alty for intent
to commit rape.

Approved, March 29, A. D. 1905.

OFFENCES AGAINST PRIVATE PROPERTY.

CHAPTER 204.

OFFENCES AGAINST PRIVATE PROPERTY.

AN ACT concerning the use of Explosives by Burglars.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Any person who breaks and enters a building in which there is a human being by the use of high explosives deemed guilty of burglary and felony.

Penalty.

Section 1. Any person, who with intent to commit burglary, breaks and enters, in the night time, a building in which there is a human being, and commits burglary by the use of nitro-glycerine, dynamite, gun powder, or any other high explosive, shall be deemed guilty of burglary by the use of explosives which shall be a felony, and shall be fined not less than one thousand nor more than five thousand dollars, shall be whipped with not less than twenty nor more than forty lashes and shall be imprisoned for a term not less than twenty-five years nor more than forty years.

Person breaking and entering building uninhabited by use of high explosives deemed guilty of burglary and felony.

Penalty.

Section 2. Any person who with intent to commit burglary, breaks and enters, in the night time a building in which there is no human being and commits burglary by the use of nitro-glycerine, dynamite, gun powder or any other high explosive, shall be deemed guilty of burglary with explosives and felony and shall be fined not less than five hundred dollars nor more than two thousand dollars, shall stand one hour in the pillory, shall be whipped with not less than fifteen nor more than twenty-five lashes, and shall be imprisoned for a term not less than ten years nor more than twenty years.

Approved, April 3, A. D. 1905.

OFFENCES AGAINST PRIVATE PROPERTY.

CHAPTER 205.

OFFENCES AGAINST PRIVATE PROPERTY.

AN ACT for the protection of Railways, their Passengers and Employees.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. If any person shall unlawfully place any obstruction upon any railway tract,* bridge, trestle or right of way or by any unlawful means shall render such track unsafe for the operation of cars and the transportation of passengers or freight, he shall be deemed to have done so maliciously.

Person placing obstruction on railroad track, etc., deemed to have done so maliciously.

If any person, other than the duly authorized employee of any railway, shall touch, disturb or in anywise interfere with the signals, signal lights and signal wires of any railway he shall be deemed to have done so maliciously. If any person shall do any of the things prohibited by this Act he shall be guilty of the offense of obstructing a railway, and of a misdemeanor, and shall, upon conviction by indictment, be sentenced to not less than one month's imprisonment or more than three years imprisonment, or fine of not less than one hundred dollars nor more than one thousand dollars, or both in the discretion of the Court.

Person disturbing signals deemed to have done so maliciously.

Acts prohibited by this Act are declared misdemeanors.

Penalty.

Section 2. The provisions of this Act shall not operate as a repeal of, or in any way effect, the provisions of the Act passed March 25, A. D. 1869, and published as Chapter 152, Volume 16, Laws of Delaware, pertaining to railroads, but the said Act, passed March 25, A. D. 1869, shall be and remain in full force and effect.

Not a repealer of Chapter 152, Volume 16.

Approved, March 29, A. D. 1905.

OFFENCES AGAINST PRIVATE PROPERTY.

CHAPTER 206.

OFFENCES AGAINST PRIVATE PROPERTY.

AN ACT to punish persons for breaking and entering any car, caboose or locomotive, or willfully or maliciously entering the same, with or without breaking, with intent to commit any felony.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Unlawful for
person, with
intent to com-
mit felony, to
enter any car,
etc.

Fine.

Imprisonment.

Section 1. That if any person shall break and enter any car, caboose or locomotive, or wilfully or maliciously with or without breaking, enter the same with intent to commit any felony whatever therein, every such offender shall be guilty of a misdemeanor, and upon conviction thereof shall suffer such punishment, by fine or imprisonment or by both, as the court shall deem proper under the circumstances.

Approved, March 20, A. D. 1905.

OFFENCES AGAINST PRIVATE PROPERTY.

CHAPTER 207.

OFFENCES AGAINST PRIVATE PROPERTY.

AN ACT for the protection of persons upon engines, tenders, cars, trucks or other vehicles upon any railroad or railway in this State.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That if any person shall wilfully and maliciously cast, throw, or cause to fall or strike against, into or upon, any engine, tender, car, truck or other vehicle used upon any railroad or railway in this State, any wood, stone, or other matter or thing, with intent to endanger the safety of any person being in or upon such engine, tender, car, truck or other vehicle, every such offender shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than three hundred dollars nor more than one thousand dollars, and shall be imprisoned for a term not less than six months nor more than ten years. All laws or parts of laws inconsistent herewith are hereby repealed.

Throwing objects at engine, car, etc., on railroad with intent to endanger safety of any person therein deemed a misdemeanor.

Penalty.

Approved, February 27, A. D. 1905.

CHAPTER 208.

OF OFFENCES AGAINST PUBLIC POLICY.

AN ACT to amend Chapter 213, Volume 22, Laws of Delaware, being an Act entitled "An Act in relation to the embezzlement or misapplication of money or trust funds.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Chapter 213, Volume 22, Laws of Delaware, be and the same is hereby amended by inserting after the word "Administrator" and before the word "Justice" in line 1 of Section 1 of said Chapter the word "Guardian".

Chapter 213, Volume 22, amended.

Approved, April 3, A. D. 1905.

OFFENCES AGAINST PRIVATE PROPERTY.

CHAPTER 209.

OFFENCES AGAINST PRIVATE PROPERTY.

AN ACT in relation to the destruction of Trees by Telephone Companies.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Telephone
Company injur-
ing or destroy-
ing trees sub-
ject to a fine.

Section 1. That after the approval of this Act any telephone company injuring or destroying trees in any manner without consent of proper person or authority shall forfeit and pay the sum of ten dollars for each and every tree so injured or destroyed to be recovered as other fines.

Approved, March 29, A. D. 1905.

CHAPTER 210.

OFFENCES AGAINST PRIVATE PROPERTY.

AN ACT for the punishment of persons for unlawfully cutting, breaking or severing a limb or branch from any Holly tree, Cedar tree or other Evergreen trees or Saplings growing or standing on lands owned by another without the consent of such owner.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Unlawful for
anyone to sever
a branch of
holly or ever-
green tree on
lands of
another.

Section 1. That from and after the approval of this Act it shall be unlawful for any person to cut, break or in any manner sever a limb or branch from any Holly tree or Cedar or other Evergreen trees or Saplings of any kind growing or standing on lands owned by another without the consent of such owner; and any person so offending shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not exceeding Fifty Dollars, and may also, in the discretion of the Court, be imprisoned for a term not exceeding two months.

Misdemeanor.

Penalty.

Approved, April 3, A. D. 1905.

OF OFFENCES AGAINST PUBLIC POLICY.

CHAPTER 211.

OF OFFENCES AGAINST PUBLIC POLICY.

AN ACT providing for the punishment of any person who shall procure the use or services of any Telephone Company in this State upon any misrepresentations or false pretenses.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. If any person or persons shall procure the services of any telephone company in this State upon any misrepresentation or false pretence such person shall be guilty of a misdemeanor and upon conviction thereof before any Court of this State shall be punished by a fine not exceeding Twenty-five dollars (\$25.00) and be imprisoned at the discretion of the Court.

Misrepresentation in securing use of service of Telephone Company declared a misdemeanor.

Penalty.

Approved, March 16, A. D. 1905. 1 .

CHAPTER 212.

OF OFFENCES AGAINST PUBLIC POLICY.

AN ACT prohibiting the sale of Beef, which contains or has been treated with, any drug or preparation deleterious to Health.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That from and after the approval of this Act it shall be unlawful for any person, company, firm or corporation to sell or offer to sell by himself or itself, or by his or its servants or agents, or as the servant or agent of any other person, company, firm or corporation, any meat or flesh of any animal used for food after the same has been butchered,

Unlawful for any person to sell beef treated with any preservative injurious to health.

OF OFFENCES AGAINST PUBLIC POLICY.

which contains any drug or preparation of whatever kind or nature, deleterious or detrimental to the health of persons who may eat the same, or which has been treated with, either externally or internally, or to which has been applied in any manner, any drug or preparation of whatsoever kind or nature, deleterious or detrimental to the health of persons who may eat the same, whether for the purpose of preserving said meat or flesh used for food or for any other purpose.

Misdemeanor.

If any person, firm, company or corporation shall violate any of the provisions of this Section, he shall be deemed guilty of a misdemeanor and be punishable in the Court of General Sessions of the Peace and Jail Delivery as hereinafter provided.

Person on complaint in writing that he suspects another of violating this Act may file same before a Justice of Peace.

Section 2. That if any person shall make complaint in writing, verified by oath or affirmation, before any Justice of the Peace alleging that the complainant has probable cause to suspect, and does suspect and believe that any person, firm, company or corporation, by himself or itself, or by his or its servants or agents, has sold or offered or exposed for sale, or has in his or its possession with intent to sell, any meat or flesh of any animal to be used for food which has been treated with, or which contains any drug or preparation as mentioned in Section 1, and shall in said complaint describe such beef as particularly as may be, and designate the house or place where complainant suspects and believes such meat or flesh is kept or sold as aforesaid, and the name of the person suspected as aforesaid thereupon such Justice of the Peace may within the limits of his jurisdiction, issue his warrant to search such house or place, such warrant shall be directed to any officer or to any other person by name for service, and shall recite the essential parts alleged in the complaint, and the officer, or other person to whom it shall be directed for service as aforesaid shall proceed thereunder as follows: He may enter the house or place designated and if he shall find therein what he believes to be any meat or flesh such as is described in Section 1, he shall take thereupon a sample or samples for the purpose of having the same analyzed or tested as hereinafter provided, and to obtain such sample or samples such officer or other person to whom such warrant shall be directed as aforesaid may cut pieces for the purpose aforesaid from any such meat or flesh as aforesaid by him

Duty of Justice of Peace.

Duty of officer serving writ.

OF OFFENCES AGAINST PUBLIC POLICY.

believed to be treated with or containing any drug or preparation within the meaning of Section 1 of this Act. The said officer or other person to whom such warrant shall be directed as aforesaid when so taking a sample or samples of such meat or flesh shall then and there divide said sample into two parts as nearly equal as may be, wrap said parts in separate packages, then and there seal the same and offer one of said parts to the person in whose custody the said beef was when taken, with a written notice of the time, place and date, when and where said sample was so taken and that it was taken for the purpose of analyzing or testing it. The other part of said sample shall, together with a written copy of the written notice last above mentioned, be delivered by said officer, or other person to whom said warrant shall be directed as aforesaid to the State Chemist, who shall cause the same to be analyzed or otherwise satisfactorily tested, the result of which analysis or test he shall record and preserve as evidence.

That the said officer or other person to whom said warrant shall be directed as aforesaid shall, within one week next ensuing such delivery to the State Chemist as aforesaid, return said warrant with his proceedings thereunder and his costs and actual expenses endorsed thereon to the said Justice of the Peace, the said costs to correspond in amount as nearly as may be with the costs to which an officer serving a search warrant would thereby be entitled to.

When writ to
be returned.

The said sample having been delivered to the State Chemist as aforesaid, he shall, with all convenient speed analyze or test the same, and upon the completion thereof shall forward to the Attorney General a certificate of the result thereof, duly verified by oath or affirmation, and such certificate so verified shall be admitted as evidence before the grand and petit juries in any prosecutions under this Act.

Duty of State
Chemist.

Section 3. That if any person shall be convicted of a violation of any of the provisions of Section 1 of this Act he shall forfeit and pay a fine of not less than Fifty Dollars nor more than One Hundred Dollars, or be imprisoned for a term not exceeding three months, and pay the costs of prosecution among which shall be taxed the costs of the said Justice of the Peace and the costs and actual expenses endorsed upon

Penalty for
violation of
this Act.

**GENERAL PROVISIONS RESPECTING CRIMES AND
PUNISHMENTS.**

Costs, how
paid.

Proviso.

said warrant and the charge of the State Chemist, whose charge shall not in any case exceed the sum of Ten Dollars. In case of failure to convict, the charge of the State Chemist and the costs of said Justice and the costs and actual expenses endorsed upon said warrant as aforesaid shall be paid by the County in which the prosecution is conducted; provided that the amount of money so to be paid by any County shall not exceed in any one year the sum of Two Hundred Dollars.

Approved, April 13, A. D. 1905.

CHAPTER 213.

GENERAL PROVISIONS CONCERNING CRIMES AND PUNISHMENTS

AN ACT to abolish standing in the Pillory, as a punishment for crime.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Pillory as a
punishment
abolished.

Section 1. That hereafter, standing in the pillory as a punishment for crime in this State is hereby abolished. All the provisions of the laws of this State, so far as they provide for such punishment, are hereby expressly repealed.

Approved, March 20, A. D. 1905.

RESOLUTIONS.

CHAPTER 214.

Senate Resolution appropriating certain money out of the State Treasury to pay the compensation of the members of the Senate and certain expenses connected with the present Session of the General Assembly.

Be it Resolved, That the following amounts be and the same are hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the payment of the compensation of the members of the Senate and the expenses connected with the Session thereof, viz:

Appropriation
of salary of
members of
Senate and its
Clerks, etc.

Philip L. Cannon.....	\$ 90.00
Isaac T. Parker.....	270.00
Alvin B. Conner, President pro tem.....	360.00
George W. Sparks.....	300.00
Thomas M. Monaghan.....	300.00
Thomas J. Stirling.....	300.00
John M. Mendinhall.....	300.00
Artemas Smith.....	300.00
David C. Rose.....	300.00
John A. Latta.....	300.00
John W. Houston.....	300.00
Remsen C. Barnard.....	300.00
James G. Reed.....	300.00
Simeon S. Pennewill.....	300.00
David H. Boyce.....	300.00
David O. Moore.....	300.00
Archie B. Lingo.....	300.00
Thomas W. Jefferson.....	300.00
Thomas C. Moore.....	300.00
J. Edward Goslee, Clerk.....	900.00

RESOLUTIONS.

J. Edward Goslee, extra service.....	300.00
Abraham L. Tyre, Reading Clerk.....	500.00
Abraham L. Tyre, extra service.....	250.00
C. Sherburne Rice, Enrolling Clerk.....	200.00
C. Sherburne Rice, extra service.....	550.00
Rev. G. P. Smith, Chaplain.....	50.00
Rev. G. P. Smith, extra service.....	25.00
Henry M. Lang, Sergeant-at-Arms.....	200.00
Henry M. Lang, extra service.....	165.00
Theodore L. Cook, Page.....	50.00
E. I. Abbott, Telephone Clerk.....	175.00
James M. Satterfield, Attorney.....	1,000.00

Adopted, March 23, A. D. 1905.

CHAPTER 215.

House Resolution appropriating certain money out of the State Treasury to pay the compensation of the members of the House of Representatives and certain expenses connected with the present Session thereof.

Appropriating
salary of mem-
bers of House
and its
Clerk, etc.

Be it Resolved by the House of Representatives that the following amounts be and the same are hereby appropriated out of any money in the State Treasury not otherwise appropriated for the payment of the Compensation of the Members of the House of Representatives and the expense connected with the Session thereof, viz:

William D. Denney.....	\$360.00
Henry Stafford.....	300.00
Willard S. Meredith.....	300.00
M. Howard Jester.....	300.00
Dr. T. O. Cooper.....	300.00
Frank M. Sevier.....	300.00
Jacob K. Hanby.....	300.00
William H. Miller.....	300.00
William M. Eastburn.....	300.00
John P. Armstrong.....	300.00

RESOLUTIONS.

Elwood W. Wilson.....	300.00
John B. Mahoney.....	300.00
Willard T. Smith.....	300.00
Frank J. Pennington.....	300.00
Edward Hart.....	300.00
Andrew J. Wright.....	300.00
William H. Baggs.....	300.00
Gamaliel Garrison.....	300.00
Thomas C. McGinnis.....	300.00
Alden R. Benson.....	300.00
John G. Meredith.....	300.00
Daniel B. Murray.....	300.00
Robert C. Stevenson.....	300.00
Frank J. Prettyman.....	300.00
Frank W. Davis.....	300.00
Charles D. Abbott.....	300.00
John T. Vandenburg.....	300.00
Daniel W. Ellis.....	300.00
Charles W. Messick.....	300.00
Edward Pierce Ellis.....	300.00
Rufus D. Lingo.....	300.00
Timothy E. Townsend.....	300.00
Henry O. Bennum.....	300.00
Henry Marshall.....	300.00
Harry V. Lyons.....	300.00
Thomas S. Lewis, Clerk.....	900.00
Thomas S. Lewis, extra services.....	300.00
Theodore Burton, Reading Clerk.....	500.00
Theodore Burton, extra services.....	250.00
A. V. L. George, Enrolling Clerk.....	200.00
A. V. L. George, extra services.....	550.00
Rev. J. Harry Mitchell, Chaplain.....	50.00
Rev. J. Harry Mitchell, extra services.....	25.00
W. B. Macklin, Sergeant-at-Arms.....	200.00
W. B. Macklin, extra services.....	100.00
John Helbling, Jr., Page.....	50.00
W. T. Smithers, Jr., Clerk for Speaker.....	50.00
Clerical Assistance to Enrolling Committee.....	50.00
Francis M. Walker, Attorney.....	1,000.00
Albert F. Polk, Attorney.....	1,000.00

Passed, March 23, A. D. 1905.

RESOLUTIONS.

CHAPTER 216.

Joint Resolution relating to the Boundary controversy between the States of New Jersey and Delaware.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Appointment of
Commissioners
of State of
Delaware to
frame a com-
pact with
Commissioners
of New Jersey.

That Preston Lea, Governor, Robert H. Richards, Attorney General, Herbert H. Ward and George H. Bates, special counsel, be and they hereby are appointed and constituted Commissioners of the State of Delaware to confer with like commissioners representing the State of New Jersey, for the purpose of framing a compact or agreement between the said states and legislation consequent thereon, to be submitted to the legislatures of said two states for action thereon, looking to the amicable termination of the suit between said states now pending in the Supreme Court of the United States and the final adjustment of all controversies relating to the boundary line between said states and to their respective rights in the Delaware River and Bay.

Approved, February 13, A. D. 1905.

RESOLUTIONS.

CHAPTER 217.

Joint Resolution authorizing Thomas N. Rawlins, State Treasurer, to consent to and sign, in behalf of the State of Delaware, the amendment of the Sixth Article of the Articles of Association of The Union National Bank of Wilmington.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That Thomas N. Rawlins, State Treasurer, who by virtue of his office, as State Treasurer and Trustee of the School Fund of the State of Delaware, is the legal custodian of the two hundred and fifty-four shares of the capital stock of The Union National Bank of Wilmington, owned by the State, be and he is hereby appointed irrevocably as the attorney of the State of Delaware to consent to and sign in behalf of said State the amendment of the Sixth Article of the Articles of Association of The Union National Bank of Wilmington, which said amendment reads as follows:—

Appointing
State Treasurer
attorney to
agree to the
amendment of
charter of The
Union National
Bank of
Wilmington.

"This Association shall continue until close of business on June 21, 1925, unless sooner placed in voluntary liquidation by the act of its share holders owning at least two-thirds of its stock, or otherwise dissolved by authority of law."

Approved, February 13, A. D. 1905.

RESOLUTIONS.

CHAPTER 218.

Senate Joint Resolution providing for auditing the accounts of the various State Officers and Institutions.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Committee
appointed to
audit accounts
of certain
officers.

Resolved that the Committee on Accounts of the Senate on the part of the Senate and the Committee on Accounts of the House on the part of the House be directed to audit the accounts of all State Officers and Institutions. That they shall employ expert assistance and shall report to the General Assembly on or before the twentieth day of February A. D. 1905.

Approved, February 16, A. D. 1905.

CHAPTER 219.

House Joint Resolution providing for the appointment of Attorneys for the General Assembly.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Appointing
Attorneys.

Be it Resolved by the House of Representatives and Senate of the State of Delaware in General Assembly met— That Francis M. Walker, Albert F. Polk and James M. Satterfield attorneys at Law be and they are hereby chosen as Counsel for the General Assembly for and during the Session A. D. 1905.

Approved, February 21, A. D. 1905.

RESOLUTIONS.

CHAPTER 220.

House Joint Resolution No. 2.

Be it Resolved by the House of Representatives that the Speaker is hereby authorized to appoint a Committee of three to act with a like Committee of two on the part of the Senate, which Committee is hereby instructed to notify the Governor that both Houses of the General Assembly are duly organized and ready to receive any Communication he may send them, and the Clerk is instructed to notify the Senate of the adoption of this Resolution by the House and that Representatives Messrs. Abbott, Wilson and Prettyman have been appointed by the Speaker members of the said Committee on the part of the House.

Committee appointed to notify Governor that the General Assembly was organized.

Approved, February 21, A. D. 1905.

CHAPTER 221.

House Joint Resolution No. 3.

Authorizing the Adjutant General to have printed five hundred copies of his last report, three hundred copies to be bound in cloth and two hundred copies to be bound in paper.

Adjutant General's Report.

Approved, February 21, A. D. 1905.

RESOLUTIONS.

CHAPTER 222.

House Joint Resolution No. 5.

Authorizing
the printing of
Governor Lea's
inaugural
address.

Be it Resolved that the printing Committee of the Senate and the House of the General Assembly of the State of Delaware be authorized and instructed to have printed five hundred copies of the Governor Lea's inaugural address for use of the members.

Approved, February 21, A. D. 1905.

CHAPTER 223.

Joint Resolution permitting former Assistant Quartermaster General Armon D. Chaytor to retain his sword.

Preamble.

Whereas, former Assistant Quartermaster General Armon D. Chaytor served the State on the Military Staff of three Governors, and

Preamble

Whereas, unless some action be taken he will be compelled to relinquish the sword worn by him during that long service;

Therefore, be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Armon D.
Chaytor per-
mitted to
retain his
sword.

That, as a mark of appreciation of such service to the State he be permitted to retain his sword, and that sole ownership of the same vest in him.

Approved, March 2, A. D. 1905.

RESOLUTIONS.

CHAPTER 224.

Senate Joint Resolution fixing the time beyond which new business will not be received by the present Session of the General Assembly.

Be it resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met:

That no notices for new business will be received by either House of the General Assembly after Friday, March 3d, 1905. Limit for new business.

Approved, March 2, A. D. 1905.

CHAPTER 225.

Joint Resolution authorizing Thomas N. Rawlins, State Treasurer, to consent to and sign, in behalf of the State of Delaware, the amendment of the Sixth Article of the Articles of Association of The National Bank of Delaware at Wilmington.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That, Thomas N. Rawlins, State Treasurer, who by virtue of his office, as State Treasurer and Trustee of the School Fund of the State of Delaware, is the legal custodian of the one hundred and fourteen shares (Par Value \$100) of the capital stock of The National Bank of Delaware, at Wilmington, owned by the State, be and he is hereby appointed irrevocably as the Attorney of the State of Delaware to consent to and sign in behalf of the said State the amendment of the Sixth Article of the Articles of Association of The National Bank of Delaware, at Wilmington, which said amendment reads as follows:—

Appointing State Treasurer attorney to agree to amendment of charter of The National Bank of Delaware.

“This Association shall continue until close of business on June 23, 1925, unless sooner placed in voluntary liquidation by the act of its shareholders owning at least two-thirds of its stock or otherwise dissolved by authority of law.”

Approved, March 2, A. D. 1905.

RESOLUTIONS.

CHAPTER 226.

Senate Joint Resolution.

Be it resolved by the Senate and House of Representatives in General Assembly met:

Defining time
for filing
claims against
the State.

That all claims against the State of Delaware, contracted prior to January 1st, 1905, shall be in the hands of the respective Claims Committees before March 15th, 1905, or the same will receive no consideration by this General Assembly.

Approved, March 9, A. D. 1905.

CHAPTER 227.

Joint Resolution appointing Directors on the part of the State for the Farmers' Bank of the State of Delaware at Georgetown.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Directors of
Farmers'
Bank at
Georgetown.

That William J. Thoroughgood, John H. Truitt and John G. Townsend, Jr., be, and they are hereby appointed Directors on the part of the State of the Farmers' Bank of the State of Delaware for the branch at Georgetown.

Approved, March 16, A. D. 1905.

RESOLUTIONS.

CHAPTER 228.

Joint Resolution appointing Directors on the part of the State for the Farmers' Bank of the State of Delaware at Dover.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That Thomas C. Roe, George H. Gildersleve and George H. Murray, be and they are hereby appointed Directors on the part of the State of the Farmers' Bank of the State of Delaware for the Branch at Dover. Directors of Farmers' Bank at Dover.

Approved, March 16, A. D. 1905.

CHAPTER 229.

Joint Resolution authorizing the State Board of Agriculture to print Five Thousand copies of its Report.

Whereas, Chapter 216, Volume 21, Laws of Delaware, expressly provided that the report of the State Board of Agriculture shall be printed by order of the General Assembly now, therefore, Preamble.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That the State Board of Agriculture be and it is hereby authorized to have printed 5,000 copies of the report of the said Board for the years 1903-1904, 1,000 copies to be bound in cloth. The whole cost of such publication not to exceed \$500. Report of State Board of Agriculture to be printed.

Approved, March 16, A. D. 1905.

RESOLUTIONS.

CHAPTER 230.

Joint Resolution authorizing the appointment of a Committee of three on the part of the House and two on the part of the Senate to arrange for a reunion of the present General Assembly in 1906.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Committee for
arranging
reunion
in 1906.

That a committee of three on the part of the House and two on the part of the Senate be appointed to arrange for a re-union of the present General Assembly in 1906.

Approved, March 16, A. D. 1905.

CHAPTER 231.

Joint Resolution fixing the date for the adjournment sine die of the General Assembly.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Adjournment.

That both Houses of this General Assembly, adjourn sine die on Thursday the twenty-third day of March A. D. 1905, at 12.30 o'clock, P. M., and that no legislative business shall be transacted by either House, other than taking the vote or votes for United States Senator, the signing of bills which have passed both Houses of the General Assembly, by the Speakers of the respective Houses, claims bills, appropriation bills, and resolutions, after Wednesday the twenty second day of March A. D. 1905, at 12 o'clock noon.

Approved, March 20, A. D. 1905.

RESOLUTIONS.

CHAPTER 232.

Joint Resolution appointing Directors for the Farmers' Bank of the State of Delaware for the Branch at Wilmington.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

That William Baxter, J. Ernest Smith and Henry C. Conrad, be and they are hereby appointed Directors on the part of the State of the Farmers' Bank of the State of Delaware for the branch at Wilmington. Directors of
Farmers' Bank
at Wilmington.

Approved, March 22, A. D. 1905.

CHAPTER 233.

Senate Joint Resolution amending Senate Joint Resolution fixing the date for the adjournment sine die of the General Assembly.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

That Senate Joint Resolution fixing the date for the adjournment Sine Die of the General Assembly, be and the same is hereby amended by striking out all of the last line thereof after the figures "1905", and by inserting in lieu thereof "at 6 o'clock P. M." Adjournment.

Approved, March 22, A. D. 1905.

RESOLUTIONS.

CHAPTER 234.

Senate Joint Resolution further amending Senate Joint Resolution fixing the date for the adjournment sine die of the General Assembly.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Adjournment.

That Senate Joint Resolution fixing the date for the adjournment Sine Die of the General Assembly, adopted at Dover, the thirteenth day of March, A. D. 1905, as amended by Senate Joint Resolution, adopted March 22, A. D. 1905, be and the same is hereby amended by striking out of said amended Joint Resolution the following words, viz: "That both Houses of this General Assembly adjourn Sine Die on Thursday, the twenty third day of March, A. D. 1905, at 12.30 o'clock P. M." and by inserting in said amended Joint Resolution, in lieu of said words so stricken out the following words, viz.: "That both Houses of this General Assembly, adjourn Sine Die on Thursday, the twenty-third day of March A. D. 1905, at 2.30 o'clock P. M."

Approved, March 23, A. D. 1905.

RESOLUTIONS.

CHAPTER 235.

House Joint Resolution, appointing a Joint Committee to consider a Charter for the Board of Education for the City of Wilmington.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That a joint committee of three on the part of the House and two on the part of the Senate be appointed by the respective presiding officers to consider the matter of a Charter for the Board of Education for the City of Wilmington, and to make a report of the same to the General Assembly.

Committee to consider a charter for Board of Education of Wilmington.

Approved, March 27, A. D. 1905.

CHAPTER 236.

House Joint Resolution No. 4.

Be it resolved by the Senate and House of Representatives in General Assembly met:

That Committee of two on the part of the Senate and three on the part of the House be appointed to make suitable arrangements for the respective bodies to attend the Inauguration of President Elect Roosevelt.

Committee to make arrangement to attend Inauguration of President.

Approved, March 27, A. D. 1905.

RESOLUTIONS.

CHAPTER 237.

Senate Joint Resolution in relation to the Papers, Books, Documents, &c. collected by Counsel for the State of Delaware in the suit of the State of New Jersey against the State of Delaware.

Preamble.

Whereas, By joint resolution of the Legislature of the State of New Jersey, approved February 14th, 1905, Edward C. Stokes, Governor, Robert H. McCarter, Attorney General, Franklin Murphy and Chauncey C. Parker, were appointed and constituted Commissioners of the State of New Jersey to confer with like Commissioners representing the State of Delaware for the purpose of framing a compact or agreement between the said States and legislation thereon to be submitted to the legislatures of the said two States for action thereon, looking to the amicable termination of the suit between said two states now pending in the Supreme Court of the United States, and the final adjustment of all controversies relating to the boundary line between said States and to their respective rights in the Delaware River and Bay;

Preamble.

And Whereas, By like joint resolution of the General Assembly of the State of Delaware approved February 13th, 1905, Preston Lea, Governor, Robert H. Richards, Attorney General, Herbert H. Ward and George H. Bates were appointed to represent the said State as Commissioners to confer with the Commissioners of the State of New Jersey, for the purpose recited;

Preamble.

And Whereas, The Commissioners of the said two States having duly conferred as directed by said resolutions, have framed and submitted to this General Assembly a proposed compact or agreement between the said States;

Preamble.

And Whereas, The compact or agreement so framed and submitted has passed the Senate and House and is therefore a law.

Therefore, be it resolved by the Senate and House of Representatives in General Assembly met :

RESOLUTIONS.

That the books, documents, papers, excerpts and records collected by the Attorneys for the State of Delaware for use in support of her claim in the suit now pending in the United States Supreme Court between the State of Delaware and the State of New Jersey be collected by the Commissioners of the said State of Delaware and turned over to the custody of the Secretary of State, for preservation.

Books, papers, etc. collected in suit of State of Delaware and New Jersey to be deposited in office of the Secretary of State.

Approved, March 30, A. D. 1905.

CHAPTER 238.

Senate Joint Resolution authorizing the Secretary of State to have printed the General Corporation Law as amended.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That the Secretary of State is hereby authorized and directed to have printed in pamphlet form, with a proper index thereto, three thousand copies of the General Corporation Law as amended, together with the Annual Franchise Tax Law, as amended for public distribution in order to further the interests of the State.

Authorizing the printing of the General Corporation Laws.

Approved, March 30, A. D. 1905.

RESOLUTIONS.

CHAPTER 239.

Joint Resolution authorizing the Secretary of State to re-insure the property of the State when the policies expire.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Authorizing
Secretary of
State to re-
insure State
property.

That the Secretary of State be and he is hereby authorized and empowered to cause the property of the State to be re-insured for such amounts as he may deem proper when the policies expire, and that the cost thereof shall be paid by the State Treasurer out of money appropriated therefor.

Approved, March 30, A. D. 1905.

CHAPTER 240.

Senate Joint Resolution authorizing the Secretary of State to have printed the Election Laws.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Authorizing
Secretary of
State to print
Election Laws.

That the Secretary of State be and he is hereby authorized and directed to have printed in pamphlet form with an index thereto, two thousand copies of the Election and Registration Laws with the recent amendments thereto, for the information of those who register the vote and hold the elections of this State.

Approved, March 30, A. D. 1905.

RESOLUTIONS.

CHAPTER 241.

Joint Resolution of the Senate and House of Representatives of the State of Delaware concerning the conduct and defense of the action now pending in the Supreme Court of the United States, in which the State of New Jersey is complainant and the State of Delaware is defendant.

Whereas, during the incumbency of Herbert H. Ward, Preamble. lately Attorney General of this State, the case of the State of New Jersey against the State of Delaware, docketed in the Supreme Court of the United States in the Year 1877 and now there pending, relating to the boundary between said states within the twelve mile circle, has been actively proceeded with, the answer of the State of Delaware hath been drawn and filed, the opening evidence for the complainant hath been introduced, and the evidence in behalf of the defendant hath been prepared and a large part thereof introduced and presented before the Master appointed by said court to consider the same and make an award thereon;

And Whereas, the evidence in said cause hath been gathered by wide research among the colonial records of England Preamble. and of the States of New York, Pennsylvania, Delaware, New Jersey and Maryland, and among the Statutes of the states of New Jersey and Delaware, covering a period of upwards of two hundred years; and the said Herbert H. Ward hath been actively concerned with other counsel for this State during his said term of office, in said defense and research;

Therefore, be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

That Herbert H. Ward be and he is hereby retained and continued as counsel for this State, associated with George Retaining Herbert H. Ward counsel for this State. H. Bates, now of counsel, and Hon. Robert H. Richards, now the Attorney General of this State, in the defense of said cause.

Approved, April 13, A. D. 1905.

TITLES OF PRIVATE ACTS.

EXCLUDED FROM PUBLICATION.

CHAPTER 242.

An act to change the name of Percy Rockwell Hanley to Percy Rockwell Killen.

Approved, March 9, A. D. 1905.

CHAPTER 243.

An Act to incorporate the "Newark Trust and Safe Deposit Company."

Approved, March 10, A. D. 1905.

CHAPTER 244.

An Act changing the name of Lettie Green to that of Esther Green.

Approved, March 16, A. D. 1905.

CHAPTER 245.

An Act relative to the title to certain real estate in the town of Harrington, held by Nathan F. Raughley.

Approved, March 16, A. D. 1905.

TITLES OF PRIVATE ACTS.

CHAPTER 246.

An Act to amend an Act entitled "An Act to incorporate the Security Trust and Safe Deposit Company", passed at Dover, March 25, 1885.

Approved, March 20, A. D. 1905.

CHAPTER 247.

An Act to incorporate "Middletown Trust Company."

Approved, March 21, A. D. 1905.

CHAPTER 248.

An Act continuing the Wilmington Savings Fund Society.

Approved, March 30, A. D. 1905.

CHAPTER 249.

An Act to change the name of Mary E. Blake to Mary E. Shockley.

Approved, March 30, A. D. 1905.

CHAPTER 250.

An Act to further amend an Act entitled "An Act to renew the Act to incorporate the Artisan's Savings Bank and the acts supplementary thereto, and to amend the same."

Approved, April 3, A. D. 1905.

CHAPTER 251.

An Act to incorporate "The Peoples Bank of Harrington."

Approved, April 6, A. D. 1905.

TITLES OF PRIVATE ACTS.

CHAPTER 252.

An Act to amend "An Act to incorporate the Wilmington Savings Fund Society," and the acts supplementary thereto and amendatory thereof.

Approved, April 6, A. D. 1905.

CHAPTER 253.

An Act to incorporate Citizens Savings Bank and Trust Company.

Approved, April 13, A. D. 1905.

CHAPTER 254.

An Act to incorporate Delaware Savings Bank.

Approved, April 13, A. D. 1905.

CHAPTER 255.

An Act to incorporate "The Dollar Savings Institution."

Approved, April 13, A. D. 1905.

CHAPTER 256.

An Act to incorporate the New Castle County Trust and Safe Deposite Company of Odessa, Delaware.

Approved, April 13, A. D. 1905.

CHAPTER 257.

An Act making Herman Davis Boyce, Henry Barret Boyce, Mary Elizabeth Boyce and Authur Roy Boyce, the the heirs at law of their mother Ida W. Boyce, deceased.

Approved, April 18, A. D. 1905.

APPENDIX.

The compact printed in this appendix is a State Document of such extraordinary character and binding force upon the high contracting parties, as well also of great importance to the citizens of this State, that I deem it my imperative duty to give it permanent form in this volume.

JOS. L. CAHALL,

Secretary of State.

APPENDIX.

COMPACT BETWEEN THE STATE OF NEW JERSEY AND THE STATE OF DELAWARE, RELATING TO THE BOUNDARY CONTROVERSY BETWEEN SAID STATES.

Whereas, A controversy hath heretofore existed between the States of New Jersey and Delaware, relative to the jurisdiction of such portion of the Delaware River as is included within the circle of twelve mile radius, an arc of which constitutes the Northern boundary of the State of Delaware, and it is the mutual desire of said States to so settle and determine such controversy as to prevent future complications arising therefrom;

And Whereas, There is now pending in the Supreme Court of the United States, a cause wherein the said State of New Jersey is the complainant and the said State of Delaware is the defendant, in which cause an injunction has been issued against the State of Delaware restraining the execution of certain statutes of the State of Delaware relating to fisheries in said river, which said litigation hath been pending for twenty-seven years and upwards;

And Whereas, For the purpose of adjusting the differences between the said two States arising out of said conflict of jurisdiction, Edward C. Stokes, Robert H. McCarter, Franklin Murphy and Chauncey G. Parker, have been appointed Commissioners on the part of the State of New Jersey by joint resolution of the Legislature of said State, and Preston Lea, Robert H. Richards, Herbert H. Ward and George H. Bates have been appointed Commissioners on the part of the State of Delaware, by joint resolution of the General Assembly of said State to frame a compact or agreement between the said States and legislation consequent thereon, to be submitted to the Legislatures of said two States for action thereon, looking to the amicable termination of said suit between said States now pending in the Supreme Court of the United States, and the final adjustment of all controversies relating to the boundary line

APPENDIX.

between said States and their respective rights in the Delaware River and Bay.

Now Therefore, The said State of New Jersey, by its Commissioners above named, and the said State of Delaware, by its Commissioners above named, do hereby make and enter into a compact or agreement between said States as follows;

Article 1: Criminal process issued under the authority of the State of New Jersey against any person accused of an offence committed upon the soil of said State, or upon the Eastern half of said Delaware River, or committed on board of any vessel being under the exclusive jurisdiction of that State, and also civil process issued under the authority of the State of New Jersey against any person domiciled in that State, or against property taken out of that State to evade the laws thereof, may be served upon any portion of the Delaware River between said States from low-water mark on the New Jersey shore to low-water mark on the Delaware shore, except upon Reedy and Pea Patch Islands, unless said person or property shall be on board a vessel aground upon or fastened to the shore of the State of Delaware, or the shores of said Islands, or fastened to a wharf adjoining thereto, or unless such person shall be under arrest or such property shall be under seizure by virtue of process or authority of the State of Delaware.

Article 2: Criminal process issued under the authority of the State of Delaware against any person accused of an offence committed upon the soil of said State, or upon the Western half of said Delaware River, or committed on board of any vessel being under the exclusive jurisdiction of that State, and also civil process issued under the authority of the State of Delaware against any person domiciled in that State, or against property taken out of that State to evade the laws thereof, may be served upon any portion of the Delaware River between said States from low-water mark on the Delaware shore to low-water mark on the New Jersey shore, unless said person or property shall be on board a vessel aground upon or fastened to the shore of the State of New Jersey, or fastened to a wharf adjoining thereto, or unless such person shall be under arrest, or such property shall be

APPENDIX.

under seizure by virtue of process or authority of the State of New Jersey.

Article 3: That inhabitants of the said States of Delaware and New Jersey shall have and enjoy a common right of fishery throughout, in and over the waters of said river between low-water marks on each side of said river between the said States, except so far as either State may have heretofore granted valid and subsisting private rights of fishery.

Article 4. Immediately upon the execution hereof the Legislature of the State of New Jersey shall appoint three Commissioners to confer with three Commissioners to be immediately appointed by the General Assembly of the State of Delaware for the purpose of drafting uniform laws to regulate the catching and taking of fish in the Delaware River and Bay between said two States, which said Commissioners for each State respectively shall, within two years from the date of their appointment, report to the Legislature of each of said States the proposed laws so framed and recommended by said joint Commission. Upon the adoption and passage of said laws so recommended by the respective Legislature of said two States said laws shall constitute the sole laws for the regulation of the taking and catching of fish in the said river and bay between said States. Said laws shall remain in force until altered, amended or repealed by concurrent legislation of the said two States. Said Commissioners shall also ascertain the dividing line between said river and bay, and upon each of the shores of said two States, where said dividing line extended shall intersect the same, shall, at the joint expense of said States, erect a suitable monument to mark the said dividing line. Said dividing line between said monuments shall be the division line between the said river and bay for the interpretation of and for all purposes of this compact, and of the concurrent legislation provided for therein.

The faith of the said contracting States is hereby pledged to the enactment of said laws so recommended by said Commissioners, or to such concurrent legislation as may seem judicious and proper in the premises to the respective Legislatures thereof.

APPENDIX.

Each State shall have and exercise exclusive jurisdiction within said river to arrest, try and punish its own inhabitants for violation of the concurrent legislation relating to fishery herein provided for.

Article 5: All laws of said States relating to the regulation of fisheries in the Delaware River not inconsistent with the right of common fishery hereinabove mentioned, shall continue in force in said respective States until the enactment of said concurrent legislation as herein provided.

Article 6. Nothing herein contained shall effect the planting, catching or taking of oysters, clams or other shell fish, or interfere with the oyster industry as now or hereafter carried on under the laws of either State.

Article 7: Each State may, on its own side of the river, continue to exercise riparian jurisdiction of every kind and nature, and to make grants, leases and conveyances of riparian lands and rights under the laws of the respective States.

Article 8: Nothing herein contained shall affect the territorial limits, rights or jurisdiction of either State of, in or over the Delaware River, or the ownership of the subaqueous soil thereof, except as herein expressly set forth.

Article 9: This agreement shall be executed by the said Commissioners, when, authorized to do so by the Legislatures of the said States. It shall thereupon be submitted to Congress for its consent and approval. Upon the ratification thereof by Congress it shall be and become binding in perpetuity upon both of said States; and thereupon the suit now pending in the Supreme Court of the United States, in which the State of New Jersey is complainant and the State of Delaware is defendant, shall be discontinued, without costs to either party, and without prejudice. Pending the ratification hereof by Congress said suit shall remain in statu quo.

Done in two parts (one of which is retained by the Commissioners of Delaware, to be delivered to the Governor of that State, and the other one of which is retained by the Commissioners of New Jersey, to be delivered to the Gov-

APPENDIX.

ernor of that State) this twenty-first day of March in the
Year of Our Lord, One Thousand Nine Hundred and Five

Edward C. Stokes,
Robert H. McCarter,
Franklin Murphy,
Chauncey G. Parker,

Preston Lea,
Robt. H. Richards,
Herbert H. Ward,
Geo. H. Bates:

SECRETARY'S OFFICE,

Dover, Delaware, August 24, 1905.

In obedience to the provisions and directions of Chapter 4 of the Revised Code, entitled "Of the Passing and Publication of Laws and Journals", I have collated with and corrected by the original rolls now in the office of the Secretary of State and caused to be published this edition of the Laws of the State of Delaware, passed by the General Assembly at the regular biennial session commenced on Tuesday the third day of January A. D. 1905, and ended on the twenty-third day of March, A. D. 1905, and approved by the Governor.

The Appendix is fully explained by note at head thereof. Words and sentences marked with asterisks are printed as they appear on the enrolled bills.

JOSEPH L. CAHALL,
Secretary of State.

ERRATA.

The word "Sussex" where it occurs in the side note on page 60 should be "New Castle."

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